PART XVII.

MISCELLANEOUS.

ROAD TOLLS.

Army Act, 1881, 44 and 45 *Vict.*, *c.* 58.

Section 143.—All officers and soldiers of Her Majesty's regular forces on duty or on the march; and

their horses and baggage; and

all prisoners under military escort; and

all carriages and horses belonging to Her Majesty or employed in her military service, when conveying any such persons as above in this section mentioned, or baggage or stores, or returning from conveying the same;

shall be exempted from payment of any duties or tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing place, or in passing along or over any turnpike or other road or bridge, otherwise demandable by virtue of any Act of Parliament already passed or hereafter to be passed, or by virtue of any Act, ordinance, order or direction of the Legislature or other authority in India or any colony:

Provided that nothing in this section shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, and vessels.*

† *Exemptions under Section* 5 *of the Tolls Bombay Act III of* 1875, *amended by Bombay Act I of* 1881.

1. ‡ Military officers and camp followers, carts, cattle, &c., when moving under the orders of competent Military authority; animals belonging to the Government cattle farm and vehicles plying to and from Government cattle farms on farm service. (*B.G.G.*, 1876, pp. 203-204. Notn. No. 6489, *B. G. G.*, 1884, Pt. I., p. 593.)

* These words are extremely comprehensive and appear to include *municipal* tolls demandable by virtue of the Bombay Municipal Acts, whatever be the nature of these tolls. (G. R. 1309, 30th April 1887, G. D.)

† All Native States are expected to render every facility to Government in carrying out public works, especially such as they are directly interested in and benefited by. * * While, therefore, no Resolutions of Government or British laws can or need be enforced, the Governor in Council looks to the Chiefs, or to those who are in their places, to issue on their own part such orders as will facilitate the execution of public works in which their subjects are as much interested as British subjects. (Resolution on the levy of tolls by Native States on materials of the Public Works Department passing through their territories.) (G. R. No. 6645, 5th Oct. 1888, Pol. D.)

‡ These words do not exempt contractors' carts conveying Government hay from the kurans to the stackyards at Poona and Kirkee. The toll leviable on such carts should be paid in the first instance and the sum paid, subsequently recovered by a contingent bill under clause 7. (G. R. No. 7348, 15th Sept. 1884, P. D.)

2. His Excellency the Governor General and His Excellency the Governor, with their camps.

3. Foreign Rulers or Native Chiefs and their followers or retainers; also other Natives of distinction whom Government, the Commissioner, or the Collector, may see fit for special reasons to exempt.

4. Grass-cutters attached to Cavalry or Artillery regiments.

5. Cultivators, wood-cutters, grass-cutters, and the like, who have daily or constantly to pass the toll on their way to their daily occupation (*the precise terms of this exemption will be left to the decision of the Collector*).

6. Carts containing public treasure, with their escorts and luggage.

7. Carts actually employed in the conveyance of material for the construction or repair of public works, constructed or maintained by Imperial, Provincial, or Local Funds.* In other cases when a toll is passed by carts, &c., hired for, or in use on the public service, the toll is to be paid and the sum recovered by a contingent bill. For instance, a Collector will pay toll for the whole of the carts containing his own luggage and the Government records and tents, recovering the toll on account of the latter by a contingent bill.†

8. Peons of all departments wearing their belts.

(*B. G. G.*, 1876, p. 324. Notn. No. 649, *B. G. G.*, 1878, p. 80.) 9. Mail carts, tongas, horses, vans, actually carrying Her Majesty's mails; led ponies employed in the mail service, and empty mail tongas (*i.e.*, Red Mail Carts), on all mail tonga lines.

(*B. G. G.*, 1876, p. 563.) 10. Overseers of the Postal Department when travelling on duty.

11. Officers and subordinates of the Public Works Department while on duty on the roads under their charge, on which they are actually engaged in supervising repairs.

(*B. G. G.*, 1877, p. 105. Notn. No. 709, *B. G. G.*, 1880, p. 172.) 12. Foresters and Forest Inspectors at public ferries when actually travelling on duty.

13. A'bkári Inspectors and their subordinates when travelling on duty.

(Notn. No. 5817, *B. G. G.*, 1888, pp. 729-730.) 14. Stray cattle when being taken to the pound, but in respect for tolls for the levy of which a lease has been granted under section 10 of Bombay Act V of 1881, this exemption shall come into force on the expiry of such lease.

Tolls Act Amendment Act, 1881.

Under this Act a lessee of tolls, and every person employed by him as his agent for collecting them, will have power to seize any part of the burden or load of the carriage or animal in respect of which a

* Carts so employed should be exempt whether they are empty or laden when they pass the toll bar. (G. R. No. 6946, 6th Oct. 1882, R. D.)

† Municipalities and cantonments cannot claim exemption from road tolls for carts conveying materials for their works. (G. R. No. 8628, 1st Nov. 1884, R. D.)

toll is chargeable and is not paid; and if any toll remains unpaid for twenty-four hours, the case must, under section 4 of Bombay Act III of 1875, be brought before the officer appointed to superintend the collection of the toll, who may sell the property seized if the owner of it does not, before the commencement of the sale, tender the amount of all the expenses incurred, and of double the toll payable by him. (G. R. 7234, 30th November 1881, R. D.)

Care must be taken to guard against the abuses to which the power of seizing property granted to the lessee of tolls and his employés is liable. (G. R. 7234, 30th November 1881, R. D.)

Local Fund Committees are appointed to *manage* and the Mámlatdárs and Mahálkaris within their respective charges to *superintend*, the collection of tolls. Lessees under this Act are officers appointed to collect tolls, or Toll Collectors, within the meaning of Act III of 1875. (G. R. No. 2043, 28th March 1882).

PUBLIC FERRIES.*

Exemptions under Section 3, clause (d) of Bombay Act II of 1868.

(Notn. No. 1582, *B. G. G.*, 1882, p. 330.)

The following notification of 2nd May 1882, has been published:—

"In exercise of the power conferred on him by section 1 of Bombay Act II of 1878 (amending Bombay Ferries Act, 1868,) the Governor in Council is pleased to declare that the persons, vehicles, animals, &c., mentioned in the following list are exempt from payment of ferry tolls otherwise demandable under Bombay Act II 1868 in addition to the persons exempted by section 3 of Bombay Act II of 1868: provided that exemptions heretofore allowed since the passing of Bombay Act II of 1878 in conformity with a Notification of the Governor in Council published at page 890 of the *Bombay Government Gazette* of 11th August 1870, shall be deemed to have been lawfully allowed as if this notification had been in force during such period:—

1. All officers and soldiers of Her Majesty's regular forces on duty or on the march, and their horses and baggage; and all prisoners under military escort; and all carriages and horses belonging to Her Majesty or employed in Her military service, when conveying any such persons or baggage or stores, or returning from conveying the same.
2. All camp followers, carts cattle, &c., when moving under the orders of competent military authority. Animals belonging to the Government Cattle Farm.

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* B. II of 1868 has been extended to Sind and Notification dated 27th January 1869. With reference to Act II of 1868, the Commissioner in Sind shall stand for Revenue and Police Commissioner, *B. G. G.*, 1869, p. 66.

of the public ferries in their districts, under the orders of Government and subject to the general control of the Revenue Commissioner.

(*B.G.G.*, 1870, Pt. I., pp. 890-892.) All Ferries in the Bombay Presidency shall be divided into classes, and the rates of toll leviable at each class of Ferry shall be as specified below.

Classified table of Ferry Fares.

Large tidal Ferries, which the same boat will not work across both ways more than twice in the day, are to be treated as special cases; other Ferries may be classed as follows :—

Class 1.—To comprise those where the same boat cannot go and return more than six times in a day of fourteen hours.

Class 2.—Those where the same ferry boat will cross and recross from seven to ten times.

Class 3.—Those where one boat will cross and recross from eleven to fifteen times.

Class 4.—Those where it will do so more than fifteen times.

It is to be understood that this classification of Ferries according to the number of times which a boat can cross is not to be *strictly* adhered to.

Table of Fares.

Description.	Rates of Ferry Fares.			
	At Ferries of 1st Class.	At Ferries of 2nd Class.	At Ferries of 3rd Class.	At Ferries of 4th Class.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Four-wheeled carriages, each.	0 12 0	0 8 0	0 6 0	0 6 0
Two-wheeled carriages on springs	0 8 0	0 6 0	0 4 0	0 3 0
Laden carts, with or without springs, each	0 8 0	0 6 0	0 4 0	0 3 0
Unladen do. do. do. ...	0 5 0	0 4 0	0 3 0	0 2 0
Laden tattoos, horned cattle and mules	0 3 0	0 2 0	0 1 0	0 1 0
Horses laden or unladen ...	0 3 0	0 2 0	0 1 0	0 1 0
Unladen tattoos, horned cattle and mules	0 2 0	0 1 0	0 0 6	0 0 6
Asses, laden or unladen ..	0 1 0	0 1 0	0 0 6	0 0 6
Camels, laden or unladen ...	0 4 0	0 3 0	0 2 0	0 2 0
Sheep and goats	0 0 3	0 0 3	0 0 1	0 0 1
Palanquin with hamals ...	0 12 0	0 8 0	0 8 0	0 4 0
Tonjon or native Palna, with hamals	0 6 0	0 4 0	0 4 0	0 2 0
Passengers other than little children	0 1 0	0 0 6	0 0 3	*0 3 0

(Notn. No. 2083, *B. G. G.*, 1883, p. 423.)

Description.	Rates of Ferry Fares.			
	At Ferries of 1st Class.	At Ferries of 2nd Class.	At Ferries of 3rd Class.	At Ferries of 4th Class.
Goods and merchandise unloaded from carts at one side of a ferry for the purpose of being re-loaded into carts at the other side.	3 annas for each cart unloaded.	2 annas for each cart unloaded.	1 anna for each cart unloaded	1 anna for each cart unloaded.

The rates to be levied at special Ferries shall be fixed by the Collector in each case with the sanction of Government.

*Sic. O. This appears to have been an *erratum* for 3 pies.

These fares, besides giving the persons paying them a right to the conveyance of their vehicles and animals and their loads across the Ferry, are, in cases of wheeled vehicles, to pay for embarkation, disembarkation, and (at the Ferries where it is declared necessary by the Collector) taking the vehicles to the top of the opposite bank, sufficient men for this purpose being provided by the Ferry contractor, without causing delay in the working of the boat. No charge to be made for little children in arms. The fare chargeable for a wheeled vehicle is not to cover the fare for the animal or animals which may draw it. Half rates only should be charged for animals made to swim alongside of the boat.

The conditions which Government deem it advisable to insert in leases of Public Ferries are :—

(*a*) That the contract shall not be sublet without the express sanction of the Collector given in writing.

(*b*) That the amount of the contract shall be paid by the farmer in monthly instalments, on dates to be fixed by the Collector and inserted in the contract.

(*c*) That satisfactory security be given for the punctual payment of the amount of the contract, and of interest at one per cent. per mensem on all sums which may fall into arrears.

(*d*) That the contract may be cancelled for failure on the contractor's part to observe any of its terms, and that the contractor and his securities shall be answerable for any loss which may be caused, by its resale, and the direct management of the Ferry for the period which remained for it to run.

(*e*) That the Collector may make all necessary additions or repairs to the contractor's boats or baskets ; on his failing to do so for five days after being required in writing, the cost to be defrayed by the contractor, and recovered from him as a revenue demand in default of payment.

(*f*) That a certain number of boats and men, to be fixed by the Collector, shall be maintained during the period of the contract.

(*g*) Any other conditions consistent with the provisions of the Act which may be specially sanctioned by the Revenue Commissioners, to whom power is hereby delegated under section 17 of the Act for this purpose.

ADDITIONAL ORDERS.

Memo. of Legal Remembrancer. Meaning of the word "Ferry."—"Ferry" is defined in Wharton's Law Lexicon as "the right to carry persons and their goods in boats across a river and to take toll for such carriage." The ordinary meaning of the word "across" as given in the Dictionaries is "from side to side."

Ferry only applies to boats plying across a river.

2. Bombay Act II of 1868 is an Act to amend the law relating to Public Ferries. It nowhere defines what is a ferry, but section 2 empowers Government to declare what "Ferries" are "Public Ferries," and also to establish any new "Public Ferry" or discontinue any existing "Public Ferry."

3. The word "Ferry" must therefore, I think, be given its ordinary generally recognized meaning, and the wording of section 14 of the Act which prescribes a penalty for any one conveying either persons or goods, &c., across any creek or river to any point on the opposite shore or bank not being more than three miles on either side above or below any Public Ferry, supplies abundant proof, if any were needed, that the Act itself intended the meaning of the word to be so understood.

4. I am therefore of opinion that the right of carrying passengers, &c., to and fro down and up the creek between Bassein and Bhiwndi is not a ferry, and that it is not competent to Government under the Act to declare that to be a ferry which is not so.

5. Fresh legislation would, I think, be necessary to legalise the granting of monopolies in the ordinary carrying trade. (G. R. No. 2747 of 23rd September 1874, G. D.)

Section 14.

Section 14 refers to conveyance, not to letting a boat for hire.

Memo. from the Acting L. R. :—"The question raised is whether section 14 of the Bombay Ferries' Act, II of 1868, makes it penal for a person to let a boat for hire, within three miles of a public ferry, without a license.

"2. The Collector of Kánara, who makes the reference, is of opinion that the latter part of section 13, exempting from liability the letting of a boat for hire, is included in the exception provided by section 14, but as his predecessor had taken a different view, desires to have the question finally settled.

I. L. R. 9 B. 97.
I. L. R. 9 B. 558.
I. L. R. 10 B.78.

"3. I would submit that the question cannot be finally settled except by judicial decision, and the Courts could not of course be bound by any opinion I might form on the subject.

"4. But as it may be desired for executive action I may state my opinion that section 14 refers only to conveyance for hire, and not to the letting of boats for hire.

"In conveyance for hire, the person contracting to convey takes the responsibility of conveying on himself. In letting for hire, he makes no such contract. Bombay Act II of 1878, section 2, amending Bombay Act II of 1868, shows that conveyance may be otherwise than by boat.

"5. I think as a penal enactment must be construed strictly, section 14 refers *only* to '*conveying* for hire' and not to the supplying another, whether for hire or otherwise, with the means of conveying himself or his friends.

"6. The exception in section 14 refers only to that part of section 13 which treats of 'conveying'. But there is nothing in section 14 which renders it penal for a man to convey himself, his friends, servants or goods by any means at his disposal, or to supply any person with such means." (G. R. 4529, 26th December 1888, G. D.)

Ferry between British Territory and Native States.

Government are of opinion that when a Ferry plies between British territory and a Native State, the proceeds should be equally divided between the two Governments.

2. This rule should be followed in regard to all Ferries hereafter established, and the States concerned should be asked to acquiesce in it before any disputes arise as to the division of profits. It may be also applied to any Ferries which may have been recently established. In regard, however, to a Ferry like that at Siddápur in the Sángli State, of which the proceeds have been enjoyed by Sángli from very ancient days, Government will not press their rights, not because they admit that the treaty is opposed to such a claim, but simply because they have not claimed their rights since the establishment of British rule in the Deccan.

3. Government are further of opinion that a Ferry established in British territory may be declared a Public Ferry even though the opposite side of the river be in a Native territory. The Native States concerned should however be urged, if they have not already done so, to promulgate rules similar to those contained in Bombay Act II of 1868, for application to any Ferries that may have been or may hereafter be declared by the British Government to be Public Ferries. (G. R. No. 7184 of 7th December 1886, Pol. D.)

Memo. by the L. R:—Application of Act XIX of 1838 *to Ferry Boats.*—I think that Local Boards must be counted amongst 'Her Majesty's subjects residing within the Presidency of Bombay' and therefore vessels belonging to them are liable to be registered under Act XIX of 1838, if they are employed in such places as would render them liable to be registered under that Act if they were the property of private owners.

2. I put my opinion in these words, because the Collector's question and the Commissioner's explanation do not appear to refer to the same class of ferry boats. The Collector speaks of "Ferry boats which ply on the rivers and creeks of the district, whilst the Commissioner limits his observations to 'boats used on Ferries in harbour and coast waters.' The Act applies to 'harbour craft' and to vessels 'employed on the coasts', *i.e.*, on the sea-coast. It does not apply to vessels employed exclusively on rivers and creeks, unless they ply to places which, although situated on such rivers or creeks, may reasonably be held to be on the sea-coast. (G. R. No. 1607 of 8th March 1888, R. D.)

Questions as to levy of Ferry Tolls in case of Cart-drivers, Passengers in Carts or Riders or Syces in charge of Horses crossing.

I.—Does the charge for the unladen cart include the charge for the driver?

II.—Does the fare for the laden cart include the fare of the passengers who may have engaged the cart?

III.—Does the fare for the horse include fare for either rider or syce?

The existing practice should be continued during each current farm as the contract may be supposed to have been made in contemplation of it. But in future one person taking care of a horse or a vehicle, but not more than one, may properly be regarded as merely incidental, and in respect of such person no toll should be leviable, but all other persons with the horse or vehicle should be charged for separately. (G. R. No. 839 of 25th February 1889, G. D.)

PRINTING PRESSES AND NEWSPAPERS (ACT XXV OF 1867, AS AMENDED BY ACT X OF 1890).

(Notn. No. 994, *B. G. G.*, 1891, Pt. I., p. 254.)

In exercise of the powers conferred by section 9 of Act XXV of 1867, as amended by Act X of 1890, and in supersession of the directions contained in the Notification published under the said section in the *Bombay Government Gazette* for 1868, page 93, His Excellency the Governor in Council is pleased to direct that the places and officers at which and to whom the delivery of books by printers in accordance with the said section shall be made, shall be as follows :—

In the case of books issuing from a Press situated in the Town or Island of Bombay,—

At the office of the Collector of Land Revenue, Customs and Opium, Bombay, and to the Collector of Land Revenue, Customs and Opium, Bombay.

In the case of books issuing from a Press situated elsewhere,—

At the head-quarter station of the Collector of the district in which the Press issuing the book is situated and to the Collector of that district.

(Notn. No. 994A, *B. G. G.*, 1891, Pt. I., p. 255.)

In exercise of the powers conferred by section 20 of Act XXV of 1867 as amended by Act X of 1890 and in supersession of the rules made under the said section and published at the *Bombay Government Gazette* of 1871, page 783, His Excellency the Governor in Council is pleased to make the following rules, namely :—

(*i*) Every Collector on receiving from a printer delivery of a book under clause (*a*) of the first paragraph of section 9 of Act XXV of 1867 as amended by Act X of 1890 shall forward the same to the Registrar of Native Publications.

(*ii*) The Registrar of Native Publications on receiving a book forwarded under the rule last preceding shall, after the same has been registered, use it for the preparation of the annual review of literature, and when it is no longer required for that purpose shall forward it to the Director of Records at the Record Office.

(*iii*) The memoranda required by section 19 of the said Act to be published quarterly in the local Gazette shall be prepared by the Registrar of Native Publications, who shall send 15 copies of the memoranda so published to the Under Secretary to Government, General Department.

(Notn. No. 1326, *B. G. G.*, 1891, Pt. I., p. 327.)

(*iv*) Copies of books delivered under clause (*b*) of section 9 of Act XXV of 1867 as amended by Act X of 1890, shall be forwarded to the Curator, Government Central Book Depôt, who shall transmit the same, through Government in the General Department, to the Secretary of State for India or the British Museum or to both on the receipt of orders and in accordance therewith.

Exemptions under Section 21.

1. All books, maps, sketches, charts and papers, printed or published under the orders of Government or for official purposes. (*B. G. G.*, 1868, p. 228.)

2. All reprints and translations, without comment or annotation, of Acts of the several Indian Legislatures published in British India. (Notn., *B. G. G.*, 1871, p. 7; *B. G. G.*, 1872, p. 5.)

3. Reprints of books without additions or alteratons, and without new notes or commentaries.

4. Acts of the Legislative Council without notes or commentaries.

5. Price lists and tradesmen's circulars.

6. Catalogues of books and other articles, auctioneers' notices and advertisements.

7. Play bills, comprising advertisements of theatrical and musical and entertainments.

8. Decisions of Courts of law without notes or commentaries.

9. Petitions and appeals addressed to constituted authority under the provisions of law.

10. Testimonials of private individuals or public officers.

11. Annual reports of schools, banks, societies and firms.

12. Almanacs and calendars.

13. Labels affixed to articles of commerce.

All such books as become the property of Governmen, for educational purposes are exempted from the registration fee of two rupees leviable under Section 18 of the Act. (*B. G. G.*, 1869, p. 1254.)

ADDITIONAL ORDERS, OPINIONS, &c.

Declaration under Section 5 and Section 8 how to be filed. Returns by Magistrates of Districts.

All declarations under the Act shall be kept by the Magistrate in a separate file. Each District Magistrate should furnish Government in the General Department with a return showing all the periodical newspapers published in his district, with the name of the printer and publisher and the place of printing and publication of each, as well as the date of the declaration required by law. The returns should be for the financial and not for the calendar year, and should be submitted by the end of April in each year.

In Bombay the Chief Presidency Magistrate should be requested to furnish the annual return for that city. (Circ. No. 7169 of 13th December 1887, J. D., as modified by Circ. No. 3558 of 29th August 1889, G. D., and G. R. No. 287 of 20th January 1890, G. D.)

Declaration required by Secion 5 when to be made.

The form of declaration in the present tense is meant to cover the cases of an existing publication continued, of one just begun, and of one beginning or about to begin forthwith. In each case the publication is regarded as being, for a moment, virtually contemporaneous with the declaration, and the declaration must not be delayed for any substantial time after the commencement of publication. (G. R. No. 637 of 1st February 1888, J. D.)

Effect of, and obligation to make, Declaration.

"Memo. by Acting L. R.:—A declaration made under section 5 of Act XXV of 1867 holds good until either—

(*a*) a new declaration has become necessary under the Act itself, or

(*b*) the person making it has made a new declaration under Section 8 of the Act, stating that he has ceased to be the printer or publisher of the work in question.

"2. A new declaration becomes necessary—

(*a*) when the place of printing or publication is changed, or

(*b*) when the printer or publisher who made the original declaration leaves British India.

"3. No new declaration is rendered necessary in any other case.

"The object of the Act is, apparently, not so much to supply information as to the actual quantity of printed matter issued periodically, as to ascertain the persons responsible for the printing and publication of what is issued.

"4. Sections 7 and 8 indicate this. Civil and criminal responsibility in respect of periodical works continues to attach to the declarant until he declares that he has ceased to be the printer or publisher.

"5. If a publication ceases for a time, the printer or publisher is under no obligation either to declare the cessation, or on reviving the work to make a fresh declaration. But if he does not declare the cessation of his connection with the work, his civil and criminal liability in respect of any future issue of it under the declared title will continue unaffected by any temporary suspension. The Act does not require a printer or publisher to keep any authority informed of any suspension or cessation of a periodical, but only keeps alive his responsibility for every issue until he makes a declaration under Section 8." (G. R. No. 1222, 25th March 1890, G. D.)

*DESTRUCTION OF RECORDS, ACT III OF 1879.

All the rules and orders made before the passing of the Act have, under section 6 of the Act, the force of law until they are rescinded by rules made under the Act. The Commissioners have power, under section 4 of the Act, from time to time to make rules regarding the disposal, destruction, &c., of records, books and papers belonging to or in the custody of the Revenue Courts and offices; and all such rules, after being confirmed by the Local Government and sanctioned by the Government of India, must be published in the local official *Gazette*, and thereupon have the force of law. No fresh rules or orders have been passed since the Act came into force which relate to the Revenue Department.

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* Rules under this Act are now under consideration.

* THE MA'MLATDA'RS' COURTS ACT, BOM. III OF 1876.

Rulings by the High Court.

Mámlatdárs' orders cannot decide questions of title.

1. The purpose of Act XVI of 1838 and Bombay Act V of 1864 was temporary only, and chiefly to provide for the cultivation of the land and to prevent breaches of the peace until the Civil Courts should determine the rights of the disputants. The decisions of the Revenue and the Mámlatdárs' Courts as to possession and dispossession do not bind the Civil Courts, being of a summary character. The Civil Courts alone can entertain the question of title. (I. L. R. 1 Bom. 624.)

And are not conclusive as to fact of possession.

A Mámlatdár's order is not conclusive evidence of the facts of possession and dispossession between the parties. (I. L. R. 1 Bom. 624.)

Sanction necessary for complaint of false evidence, &c., committed in Mámlatdár's Court.

The Mámlatdár's Court constituted by Bombay Act III of 1876 is a Civil Court within the meaning of section 468† of the Code of Criminal Procedure. Therefore a complaint of an offence mentioned in that section when such offence is committed before or against the Mámlatdár's Court shall not be entertained in the Criminal Courts except with the sanction of the Mámlatdár's Court or the High Court to which it is subordinate. (I. L. R. 5 Bom. 137. See also Part VIII (3), Court Fees Act.)

High Court's power of superintendence and revision.

Regulation II of 1827, section 5, clause 2, provides that it shall be competent to the Sadar Diváni Adálat to call for the proceedings of any *subordinate Civil Court*, and to issue such orders thereon as the case may require. This power, called the Extraordinary Jurisdiction, was transferred to the High Court by section 9 of Statute 24 and 25 Victoria, cap. 104.

The Mámlatdárs' Courts constituted under Bombay Act V of 1864 were expressly declared by that Act to be the same Courts which are referred to in Regulation VI of 1830 as subordinate to the Sadar Diváni Adálat.

The High Court has, therefore, power to set aside an order made by a Mámlatdár under Bombay Act V of 1864 (*Mahádáji* v. *Sonu*, 9 Bom. H. C. Rep. 249). The effect of Bombay Act III of 1876 has not been to divest the High Court of the power of superintendence and revision which it exercised over Mámlatdárs' Courts previously to the passing of the Act.‡

Such Courts have jurisdiction in a town or city within the táluka, and over houses, which term is included in "premises" in section 5. (*Bái Jamna* v. *Bái Jadav*, I. L. R. 4 Bom. 168.)

Mámlatdár has no jurisdiction as to undivided property.

A Mámlatdár has no jurisdiction to declare a plaintiff entitled to joint possession with the defendant of land the joint property of the plaintiff and defendant or to award him separate possession of a specific half of it. (*Keso Dinker* v. *Moor Sakharam*, B. H. C. P. J., 1883, p. 120.)

Section 4.—Immediate possession on determination of tenancy.

Section 4 gives the Mámlatdar power to give immediate possession when the plaintiff is entitled to restoration of the land by reason of the determination of the tenancy whether by efflux of time or by any other cause agreed on by the parties at the time of creating the tenancy (*Shridhur* v. *Bhagwant*, B. H. C. P. J., 1882, p. 370.)

Removal of earth from a field.

The removal of earth from a field is a taking of a portion of the substance and not merely of a profit of the land; and the Mámlatdár has no jurisdiction, under section 4 of Bom. III. of 1876, to entertain an application for an injunction to restrain the defendant from obstructing the plaintiff in the exercise of her right to take earth from the defendant's land. (I. L. R. 7 Bom. 425.)

Decision by Mámlatdár does not bind third parties.

A Mámlatdár's jurisdiction is not barred by a decision in a former suit not between the same parties. (I. L. R. 10 Bom. 1878).

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* The charge for process issued under Bom. III of 1876 shall be regulated in accordance with the rule prescribed by the High Court under section 20 of the Court Fees Act VII of 1870, for the Revenue Courts in the Bombay Presidency proper. (Notification 6330, *B. G. G.*, 1882, p. 707.)

† The Code here referred to is X of 1872. The corresponding section in X of 1882 is section 195.

‡ Section 622 of the Code of Civil Procedure (Act X of 1877) gives the High Court power to call for the record of any case in which no appeal lies to the High Court, if the Court by which the case was decided appears to have acted without jurisdiction, or illegally, or irregularly.

This section would appear to apply to ordinary Civil Courts and not to Mámlatdárs' Courts, which are, however, *subordinate Civil Courts* within the meaning of section 2 of Reg. II of 1827, which is still in force.

The ruling of the High Court in *Bái Jamna* v. *Bái Jadav* does not refer to section 622 of the Civil Procedure Code, but follows the ruling in *Mahádáji* v. *Sonu*.

A distinction is drawn in Bombay Act III of 1876 between Mámlatdárs' Courts and ordinary Civil Courts, and a peculiar procedure laid down therein for the former.

If appears, therefore, that although Mámlatdárs' Courts are in some senses and for certain purposes Civil Courts, they are not Civil Courts to which the provisions of the Civil Procedure Code can be held applicable.

Mámlatdárs in the exercise of their judicial functions are bound to be governed by the law as they understand it, or as expounded by superior *judicial* authority, not as it is understood or expounded by unjudicial persons. (I. L. R., 9 Bom., 97 ; 10 Bom., 78.)

OPINIONS.*

Procedure where parties come to terms.

Memo. by Acting L. R. :—The Mámlatdár has power under Bombay Act III of 1876—

to award immediate possession,
to restore a use,
to grant an injunction.

He cannot pass any other order in respect of the dispute between the parties. If at the commencement of the trial the plaintiff should appear without his witnesses, and express his readiness to withdraw his plaint, the Mámlatdár would be justified in rejecting the plaint under section 13 of the Act.

If the plaintiff should be present with his witnesses and signify his intention of not going on with the case, the Mámlatdár should examine him as a witness, and on the evidence of his own statement record a finding on each issue in favour of the defendant and then reject the plaint under section 15 of the Act.

If the plaintiff and defendant come to an arrangement between themselves, the Mámlatdár should examine the parties, and then, if possible, record a finding on the issues in accordance with the terms of the arrangement, and decide whether his order should be one rejecting the plaint or any one of the three orders above mentioned. If the agreement or compromise is of such a nature as not to admit of his passing any one of the three orders above mentioned, he should reject the plaint.

The Mámlatdár has no authority to pass any other order in accordance with the terms of an agreement or compromise between the parties, and no such order would be legally binding on the parties.

The following illustrations will be useful :—

(*a*) Plaintiff A. sues defendant B. for immediate possession of a house. At the time of the trial they both are present with their witnesses. But B. says he is willing to pay A. rent if he is left in possession ; A. consents to this. It is quite clear that B. really admits the claim, and therefore the Mámlatdár should record a finding on the issues in favour of A. and award him immediate possession, leaving it to A. to accept B. as a tenant if he chooses. The Mámlatdár cannot order A. to leave B. in possession as a tenant.

(*b*) The plaintiff A. and defendant B. both appear with their witnesses. They put in an agreement in compromise of the suit that the Mámlatdár should pass an order that the parties had settled the dispute out of Court and each party should bear his own costs. The Mámlatdár should pass a decree rejecting the plaint, and as the costs must follow the decree, should direct the plaintiff to pay the costs. The Mámlatdár cannot divide the costs or order each party to pay a proportion thereof, but he must leave it to the parties to do this amongst themselves.

It will no doubt prevent any misunderstanding if the Mámlatdárs are careful to bear in mind that their procedure under the Act is intended to be as simple as possible and must not be elaborated by following the provisions of the Civil Procedure Code. They should pass no order that is not strictly in conformity with the Act. (G. R. 5949 of 10th October 1881.)

Procedure in Execution.

Memo. of Acting L. R. :—6. The provisions of sections 328 to 331 of the Code of Civil Procedure are not applicable to the decisions of the Mámlatdárs' Courts established under the provisions of Bombay Act III of 1876, and unless such application of the provisions of that Code is expressly enacted in the latter local law, it is not open to the Mámlatdárs to follow the procedure laid down in those sections. (G. R. 1673 of 11th March 1882, R. D.)

Disturbance of Possession.

Opinion of the Honourable the Advocate General :—A Mámlatdár's Court has jurisdiction to take cognizance of a plaint in which a party in possession of land sues for an injunction against a person who obstructs him in erecting a house on the land. The Mámlatdár should determine at the hearing whether the acts complained of constitute a disturbance or obstruction of possession or enjoyment of the plaintiff, and if it is proved that the defendant was acting within his rights the suit will be dismissed. (G. R. 4596 of 14th July 1882.)

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* *N.B.*—Mámlatdárs are to be guided by cases judicially decided and their own judgment. The opinions of the Legal Remembrancer are not to be accepted by them as binding. (I. L. R., 9 Bom., 97, and 10 Bom., 1878 ; *vide* also G. R. 3357, 7th May 1889 ; G. R. 1809, 9th March 1888, P. D.; G. R. 7186, 22nd October 1887, R. D.; G. R. 3555, 8th June 1887, R. D.)

Subordinates in temporary charge of Mámlatdárs' duties.

Memo. from the L. R. :—"The Remembrancer of Legal Affairs has the honour to report that in his opinion the words 'under this Act' in section 15 of the Bombay Land Revenue Code, 1879, expressly limit the functions of a subordinate in temporary charge of a Mámlatdár's or Mahálkari's office to the exercise of the powers and the discharge of the duties conferred or imposed upon a Mámlatdár or Mahálkari *by that Code.*

"2. Such a subordinate in temporary charge of a Mámlatdár's office cannot, in the view of the undersigned, be correctly described as a revenue officer ordinarily exercising the powers of a Mámlatdár within the meaning of section 3, clause (1) of the Mámlatdárs' Courts' Act, 1876. He exercises such powers temporarily only and as a special arrangement.

"3. It seems, therefore, to the undersigned that no subordinate in temporary charge, whether of a Mámlatdár's or Mahálkari's office, can be deemed to be a 'Mámlatdár' under the Mámlatdárs' Act, 1876, unless he is specially authorized by the Governor in Council to exercise the powers of a Mámlatdár under that Act." (G. R. No. 1683, 28th February 1883, R. D.)

Gazetting powers with retrospective effect.

Memo. from the L. R. :—"I do not think the Acting Mukhtyárkar of Mirpur can legally be gazetted with powers under the Mámlatdárs' Courts' Act retrospectively." (G. R. No. 3099 of 20th April 1883, R. D.)

Procedure when Mámlatdár's Court closed for want of officer with powers.

Memo. by L. R. :—"Section 5 of the Indian Limitation Act, 1877, applies, in my opinion, only to suits for which the period of limitation is prescribed by that Act, and therefore not to suits instituted in Mámlatdárs' courts. A Mámlatdár's court need not, however, be absolutely closed, because there is no officer on the spot invested with the powers of a Mámlatdár under the Act. The plaints may, I think, be taken and kept until a duly empowered officer is able to dispose of them. This is the course that was followed in the ordinary civil courts before section 5 of the Limitation Act became law." (G. R. No. 3099 of 20th April 1883, R. D.)

Acting Mámlatdár's powers.

"Looking to paragraph 2 of section 20 of the Bombay Land Revenue Code, which enacts that an officer appointed to act temporarily for another officer 'shall exercise the same powers and perform the same duties as might be performed or exercised by the officer for whom he is so appointed to act,' I think that an Acting Mámlatdár is a Mámlatdár within the meaning of Bombay Act III of 1876, just as much as a permanent holder of the appointment. He is a Mámlatdár *pro tem.*, the word 'Acting' having no significance except to the Financial Department of Government.

"2. The case of a subordinate in temporary charge of a Mámlatdár's office, disposed of in Government Resolution No. 1683, dated 28th February 1883, is quite different. Section 15 of the Revenue Code distinctly provides that 'he shall be held to be the Mámlatdár *under this Act*' until he is relieved. Temporarily, therefore, and for the purposes of the Revenue Code only, such a subordinate is to be held to be a Mámlatdár, but he is really only a subordinate in charge of the Mámlatdár's office." (G. R. No. 3339 of 16th May 1883, J. D.)

Gazetting.

Memo. by L. R. :—All appointments of Mámlatdárs, whether substantive or acting, must be made by the Commissioners and gazetted, and when this is done it will be unnecessary in accordance with G. R. No. 3339 of 18th May 1883, for Acting Mámlatdár's powers under Bombay Act III of 1876 to be gazetted; and if subordinates take charge temporarily only of Mámlatdár's offices as is intended by section 15 of the Code, it will hardly ever be necessary or expedient that they should be invested with these powers. For short vacancies the Commissioners might still accept the Collector's nominations without question but should gazette them as appointments made by themselves. (G. R. No. 6825 of 2nd October 1883, J. D.)

Mukhtyár's right to appear in Mámlatdár's Courts.

Memo. by L. R. :—Mukhtyárs, as such, have no right to appear on behalf of the parties to a cause in a Mámlatdár's Court and their admission is illegal. Clause (2) of Section 3 of the Mámlatdár's Courts Acts, 1876, expressly provides that the words 'plaintiff' and 'defendant' in that Act include a pleader and the recognized agent of a plaintiff or defendant as defined in the Civil Procedure Code; 'Mukhtyárs' are not included. (G. R. No. 2831 of 16th April 1884, J. D.)

Transfer of Cases.

The Law does not authorize the transfer of cases from the Court of one Mámlatdár to that of another. (G. R. No. 474 of 17th January 1885, R. D.)

Procedure on death of Plaintiff.

Memo. from the L. R.:—"I think the Mámlatdár should postpone the case for a reasonable time to give the plaintiff's heir an opportunity of appearing and asking to have his name entered in the record in lieu of that of the deceased. If after such postponement nobody appears as plaintiff, the suit should be rejected under section 13, with costs." (G. R. No. 7140 of 6th October 1886, R. D.)

Possession of Crops.

Memo. from the L. R.:—"A sued in the Mámlatdár's court for an injunction to restrain B from *obstructing him in the possession of a field*, and process issued, but before the hearing B forcibly *cut and carried the crop of the field*. Looking to the broad terms of section 4 of the Mámlatdárs' Courts Act, it is, I think, competent to the Mámlatdár to give immediate possession of the crop of the grain and straw composing it (*i.e.* 'any profits of the same') in such a case as that described.

"2. I think that the Mámlatdár should allow the plaint to be amended and that, as regards the land, the proper issues would be those set forth in clause (*c*), and as regards the crop, those set forth in clause (*a*) of section 15 of the Act." (G. R. No. 308, of 13th May 1887, R. D.)

Appointment of Guardian ad litem.

Memo. from the L. R.:—"The question is whether a Mámlatdár trying a suit under Bombay Act III of 1876 can appoint a guardian *ad litem* to conduct the defence on behalf of a minor defendant.

"2. My opinion is that he can do so.

"3. At the time when the above Act was passed the procedure of ordinary Civil Courts was governed by Act VIII of 1859. This Act contained no provisions for the defence of suits on behalf of minors: but it was uniformly held that the ordinary practice of courts admitted of the appointment of next friends or guardians to represent them. In Maganbhái *vs.* Vithoba (IX., Bo. A. C. J., page 7), Couch, C. J., remarked that 'if this could not be done a ..... minor would be disabled from suing for any injury to his property.' This principle appears to be not less applicable to the courts of Mámlatdárs than to other Civil courts.

"4. Subsequently Act VIII of 1859 was superseded by Act X of 1877 which in turn was replaced by Act XIV of 1882.

"5. These latter Acts contain specific provisions for the institution and defence of suits on behalf of minors, but the question how far, if at all, the Civil Procedure Code affects Mámlatdárs' courts has not, so far as I am aware, been authoritatively decided and appears to present various difficulties.

"6. For the purposes of this reference, however, it does not seem necessary to determine this question. The Mámlatdár may, I think, safely follow the provisions of Chapter XXXI. of the Code. They embody the pre-existing practice of Civil Courts, and it is immaterial whether the Mámlatdár's authority for acting on them is based on the old practice or the Code itself. In either case he has such authority subject of course to the restrictions imposed by section 2 of Act XX of 1864. These restrictions, however, seldom come into effect (*cide* I. L. R., V. Bo., 306, and I. L. R., VIII Bo., 239), and as a general rule I think it may be said that the Mámlatdár may appoint any suitable person who is willing to act as guardian *ad litem* for a minor defendant except in cases in which an administrator has actually been appointed under Act XX of 1864. In such cases of course the administrator will represent the minor's estate.

"7. The Mámlatdárs will doubtless remember that in disposing of points of law such as the above (which are liable to come before the High Court on revision) they must exercise their own judgments, and that Government cannot authoritatively decide such questions for them (I. L. R., IX. Bo., p. 97)." (G. R. No. 3555 of 8th June 1887, R. D.)

Effect of Mámlatdár's decisions.

Mámlatdárs' decisions are not binding on third parties. (G. R. No. 7416 of 31st March 1887, R. D.)

Possession when alleged trespasser has built on land in dispute.

Memo. from the L. R.:—"In my opinion the Court has jurisdiction in the circumstances provided the suit is filed within the time prescribed by section 4. If he finds in favour of the plaintiff he can give him possession of the land and any building that may be on it at the time." (G. R. No. 7186 of 22nd October 1887, R. D.)

Jurisdiction when a Sardár is a party.

Letter from the Acting L. R.:—"Having regard to the provisions of section 4 of Bombay Act III, of 1876 I am of opinion that the Mámlatdár's Court has jurisdiction to entertain suits to which a Sardár is a party. It is true that section 3 of Regulation 29 o

1830 provides that Sardárs of certain rank shall not come under the jurisdiction of the Civil Courts and that it has been ruled that a Mámlatdár's Court is a Civil Court. But section 4 of the Mámlatdars' Courts' Act offers relief to 'any person' dispossessed and makes no exception in the case of Sardárs. I think then it must be held to override the provisions of Regulation 29 of 1827. No doubt as a general rule an Act of general application does not control an earlier Act expressly framed to provide for a particular class of cases: but the Mámlatdárs' Act was passed with a special object to provide a speedy remedy in certain cases, and if it had been intended to exempt Sardárs from its operation the intention would, I think, have been stated. As a matter of fact I have little doubt that it was not intended to exempt them. When Bombay Act V of 1864 and Bombay Act III of 1878 were passed it was not thought that Mámlatdárs' Court were Civil Courts, and in section 18 of the latter Act the word 'Civil Court' is used in contradistinction to 'Mámlatdárs' Courts.' At that time I believe it was supposed that the latter were Revenue Courts of the kind referred in clause 2 of section 1 of Act 16 of 1838 and the fact that they were Civil Courts was not established till afterwards.

"At the same time I must point out that this is not a question which Government can authoritatively decide for the Mámlatdár (*vide* I. L. R., X Bom., p. 78). He must act on his own judgment, and either accept or refuse jurisdiction as he thinks proper. In either case his decision is liable to correction by the High Court in its extraordinary jurisdiction on the application of the party dissatisfied therewith." (G. R. No. 1809, 9th March 1889, R. D.)

Amendment of Plaint overstating the facts.

Memo. by the Acting L. R.:—"10. Section 8 of the Act shows that the Mámlatdár could not, after the evidence had been taken, direct an amendment of the plaint. That can only be done where the plaint is on the face of it defective or objectionable in form, and not in order merely to render it consistent with the evidence adduced. But a plaint is not, I think, liable to rejection under section 15 merely because plaintiff has failed to prove every item. The antepenultimate paragraph of section 15 provides that the orders to be passed shall be such as the circumstances of the case, in the opinion of the Court, require. This leaves a discretion and latitude to the Court to adapt its orders to the requirements of each case appearing from the facts proved.

"11. The Legislature never intended that an innocent error as to the extent of a right claimed should deprive the party aggrieved of all redress. In cases of wilful misstatement section 20 of the Act indicates the appropriate procedure." (G. R. No. 3357 of 7th May 1889, R. D.)

THE TREASURE TROVE ACT, VI OF 1878.

13th March 1882.

In exercise of the power conferred by section 19 of the Indian Treasure Trove Act, 1878, the Governor in Council is pleased to make the following rule:—

Notice to, and appearance of, Government Pleader.

In cases in which treasure is found hidden in soil the ownership of which vests in Government, the Collector making the inquiry under the Indian Treasure Trove Act, 1878, shall serve the special notice in writing required by clause (*b*) of section 5 of the Act on the Government Pleader of any Civil Court within the limits of the jurisdiction of which the treasure has been found, or on any officer who may be appointed by Government as agent in this behalf, and such Government Pleader or officer shall, except in cases in which treasure is less than one hundred rupees in value, appear on behalf of Government before the Collector making the said enquiry on the day mentioned in the said notice.

The Government Pleader shall be entitled to the usual fees calculated on the value of the share of the trasure to which Government lays claim, subject to any increase that may be sanctioned by Government in particular cases. (No. 913, *B. G. G.*, 1882, p. 188.)

Form of Notification under Section 55.

*Here describe the nature, amount and approximate value.

†Here describe the place.

‡Such day not being earlier than four months nor later than six months after the date of notification.

"In accordance with the provisions of section 5 of Act VI of 1878, notice is hereby given to all whom it may concern, that on the day of 189 certain treasure, to wit* was found in† and all persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector on the‡ day of 189 at , when the Collector will proceed to hold an enquiry in accordance with the provisions of the Act.

Collector."

(Approved in Govenment Resolution No. 1879 of 20th June 1878.)

Notification under section 5 should be forwarded to the Publisher of the *Gazette of India* for insertion in the *Gazette* direct by the Collectors in the Bombay Presidency. (Government of India No. 167, 11th September 1879.)

Orders as to supply of coins to learned Societies.

In all cases where any old or curious coins are found, the whole of them are sent by the Collector of the district in which they are found to the Secretary of the Royal Asiatic society at Bombay. The Society choose such as they wish to purchase at the Collector's valuation, and send the remainder to the Government Mint, where their value is credited to Government.

'The Collector and the Secretary of the Asiatic Society then adjust accounts in direct communication with each other.'

The Asiatic Society at Bombay will be asked, in all cases where there are more than one coin of a sort, to select duplicates for the Asiatic Society at Calcutta, and communicate their description, &c., to that Society, who could then purchase them or not, as they pleased (Government Resolution No. 3269, dated 29th October 1878, G. D.)

The following Resolution of the Government of India in the Revenue and Agricultural Department is published for general information (*B. G. G.*, 1889, pp. 417 and 418):—

"Cir. No. $\frac{24}{4\text{-}2}$ Arch.

Extract from the Proceedings of the Government of India, Revenue and Agricultural Department,—dated 28th March 1889.

The definition of treasure as framed in the original Bill was enlarged by the Select Committee for the express purpose of covering sculptures and similar antiquities, as well as coins.

3. The Treasure Trove Act permits the Government to claim the possession of treasure of which, as laid down in section 4 of the Act, the amount or value is over ten rupees. Such 'value' is not, as in section 16, the price which the mere materials of the article found would fetch, but the market value or the price which the discovered object might, if offered for sale, reasonably be presumed to realize. The conditions under which the finder of treasure is to be compensated in cases where the claim of Government is asserted, are described in section 16 of the Act. The value at which the treasure is to be assessed is there defined as the value of the materials only plus one-fifth of such value. The extra price which the discovered article might realize in virtue of its value as an object of archæological interest need not enter into account. It will not therefore be difficult to secure for preservation in national institutions the most important antiquities which may be discovered in any part of British India, without inordinate expenditure.

4. The Governor General in Council now desires that the coditions under which the Government can claim articles of antiquarian interest should be made generally known, as well to the officials upon whom the reponsibility vests of giving effect to the provision of the Treasure Trove Act, as to the general public. His Excellency in Council is convinced that the Local Governments and Administrations will, on every occasion on which it may be considered proper to exercise the rights conferred by the law upon the State, act with due liberality, and with proper consideration for the natural claims and expectations of the finders of treasure, and will bear in mind that the object in view will be defeated if those who may discover objects of archæological value are not induced by the prospect of a sufficient reward to make their discoveries known to the officials of Government. On the other hand, it must be enjoined on all servants of the State that it is their duty to protect national interests so far as to ascertain the particulars of any discovery which may be brought to their notice, and to report the circumstances to the proper authorities under such rules and instructions as may be laid down for their guidance by the Local Government or Administration.

5. With regard to antiquities which cannot be brought under the definition of 'treasure' in the Act of 1878, and of which the location in a national institution is considered desirable, no further action can be advised than to ascertain from the finder whether he is willing to surrender the object to Government at a reasonable price.

6. Nothing in this Resolution should be held to interfere with the instructions which are contained in the Resolution No. $\frac{1}{58\text{-}71}$ of 8th June 1883 for dealing with discoveries made by Government officials and which, for the purpose of easy reference, are reprinted in the Appendix to this Resolution. The same instructions will be applicable, *mutatis mutandis*, to objects of archæological interest claimed and purchased under the Treasure Trove Act.

7. With the above remarks the Governor General in Council is content to leave the matter to the discretion of Local Governments and Administrations, but desires that any action which may be taken under this Resolution should be briefly noticed in the Annual Report of the Department of Land Records and Agriculture, as the Department which in most provinces is connected with the administration of Museums.

Extract from the Proceedings of the Government of India in the Home Department (Archæology),—No.1—58-71 dated Simla, the 8th June 1883.

I.—All discoveries of objects of archæological interest made by Government officers (whether belonging to the Archæological Survey or not) should be reported by them to the head of the Local Government or Administration within which the discovery is made. When such a report is made, it will rest with the Local Government or Administration to issue orders for the preservation of the objects discovered *in situ*, or for their removal to a Provincial or Local Museum, where such exists, in accordance with the general principles set forth in the paragraphs marginally quoted above. Where there is no Local Museum, the object should be sent to the Imperial Museum, if the Trustees, to whom information of the discovery should be conveyed by the Local Government or Administration, should so desire.

II.—Local Governments and Administrations will furnish the Trustees of Indian Museum with lists of all Museums in the province and with descriptive catalogues of their contents, and will report to the Trustees all fresh discoveries dealt with under the preceding clause.

III.—The Trustees will be at liberty to arrange with Local Governments and Administrations either for the transfer to the Indian Museum of any object the Trustees may require or for acquiring it by exchange or for obtaining casts or other impressions of it, any points as to which there is a difference of opinion being referred to the Government of India for final decision. In dealing with such application from the Trustees, Local Governments and Administrations will not fail to attach due weight to the desirability of completing any particular archæological series to which the Trustees of the Indian Museum may attach importance."

The Collectors should be requested to impress on all táluka and village officers that it is their duty to protect national interests so far as to ascertain the particulars of any discovery which may be brought to their notice, and to report the circumstances to the proper authorities.

2. In this Presidency no museum is under the administration of the Director of Land Records and Agriculture but the Collectors should inform that officer of any action that may be taken by them under these orders with a view to the embodiment of the information in his annual report. (G. R. No. 1672 of 30th April 1889, G. D.)

In paragraph 2 of Government of India, Home Department (Public), No. 46—1668-82, dated 9th October 1884, quoted in Government Resolution, General Department, No. 3950, dated 30th October 1884, the Government of India stated that Collectors and District

officers should be instructed to *invariably* acquire under section 16 of the Act the whole of such coins found.

2. Such charges would be debited to the minor head 'Charges for search for hidden Treasure' under 32, Miscellaneous. (G. R. No. 2423, 21st June 1889, G. D.)

Orders and Opinions.

B. VIII of 1867, section 19, does not apply to Treasure Trove.

Memo. by L. R. :—"Section 19, Bombay Act VIII of 1867, is intended primarily to apply to lost or strayed property which is usually made over to the charge of the police because the finder has no claim to it. When the law as to treasure trove was in a state of uncertainty, it was perhaps expedient for any person finding hidden treasure to make over charge of it in the same way to the police patel, and before the passing of Act VI of 1878 it might perhaps have been argued that it was the duty of the police patel to take charge of such treasure. But *leges posteriores leges priores contrarias abrogant*, and so far as regards treasure trove the special provisions of Act VI of 1878 must be held to supersede those of section 19 of Bombay Act VIII of 1867, even if it be correct to argue that the latter enactment was formerly applicable to such treasure. Now, moreover, it seems to be scarcely right to regard treasure trove as "unclaimed property," because Act VI of 1878 gives the finder a very considerable claim thereto if it turns out to be ownerless." (G. R. 6737, J. D., of 9th October 1880.)

Powers of Mámlatdárs under the Act.

Memo. by Acting L. R. :—When the Mámlatdárs were appointed* under section 3 of the Act to perform in their several charges the functions of Collectors, they became Collectors for all the purposes of the Act, and Government cannot lawfully restrict or limit the power which they are invested with. If the finder of treasure of any value over ten rupees gives notice to the Mámlatdár, that officer is bound by law to follow the procedure laid down by the Act. Rules regulating procedure can be made, but none can be made in restraint of those powers. The Mámlatdárs' proceedings should be closely and carefully watched by the Collectors. (G. R. 2390 of 23rd July 1881.)

Treasure found in Government land.

Memo. of the Ag. L. R. :—There is no express provision in the Treasure Trove Act, 1878, for the case of treasure found hidden in soil, the ownership of which vests in Government, as for instance, a public road, which under section 37 of the Land Revenue Code, 1879, is the property of Government.

Section 5 of the Treasure Trove Act provides that when the place in which the treasure was found belongs to some person other than the finder, the Collector shall serve on such person a special notice to the same effect as the notification in the *Government Gazette;* and if such person appears and claims a share as owner of the place, the Collector is required to apportion the said person one-fourth and the finder three-fourths of the treasure.

It appears, therefore, that according to the Act a notice ought to be served on Government and a formal appearance made on behalf of Government before the Collector, in order to warrant a division of the property between Government and the finder; otherwise the right of Government must, under section 6 of the Act, be considerd forfeited. Attention is drawn to G. R. No. 3269 of 29th October 1878 regarding supply of coins to learned societies. (G. R. No. 255 of 27th January 1878.)

Treasure found by convict gang.

1. During excavation work carried on at Bijápur by the extra-mural convict gang one of the convicts unearths buried treasure valued at more than Rs. 10.

2. The Superintendent of the Gang claims to be considered the finder, the gang being under his immediate orders.

3. Government, and not the Superintendent of the Convict Gang, or the convict, who found the treasure, should be regarded as the finder of the treasure for the purposes of Act VI of 1878. (G. R. No. 710 of 23rd February 1886, G. D.)

Meaning of the word "Finder."

Memo. by the Ag. L. R. :—"There is no definition of the term 'finder' in the Indian Treasure Trove Act, 1878, and it must, therefore, be interpreted according to principles of law which are generally accepted; while under the general clauses Act, 1868, the word 'finder' in the Indian Treasure Trove Act includes 'finders'.

"2. If two or more persons find treasure concealed in the ground, they all come within the meaning of 'finder' in the Act. So, too, if a person employs another person to dig the ground and search, they would both be finders of any treasure found; but it results from the general principle of law, *quicquid acquiritur servo acquiritur domino*, that only the master or employer, and not the servant or labourer, would be entitled to the treasure or

* Mámlatdárs were so appointed by G. R, 1326, April 25, 1881.

to share it with the owner of the ground. There is also the familiar maxim, *qui facit per alium per se ipsum facere videtur,* from which it may be inferred that the master or employer must be presumed to have discovered through his agent what he would in all probability have discoverd himself, had he executed the work with his own hands and not by paid agency.

"3. There is, in fact, an implied contract to this effect in every engagement between master and servant, principal and agent. There may, of course, be instances in which a servant or agent may accidentally and by good luck find treasure in his master's or principal's ground and be entitled to claim it or share it with him. The question will depend in each case on whether the servant or labourer was actually performing the work for which he stipulated when he discovered the treasure.

"4. It is true that section 12 of the Act contemplates cases in which either subsequent to, or in anticipation of, the discovery of treasure, the finder and the owner have entered into an agreement regarding the disposal thereof; but I do not think the legislature intended by this, that unless a master or employer shall enter into a special agreement with every servant or labourer he employs regarding the disposal of any treasure that may possibly be discovered in the performance of the contract work, the servant or workman who happens to be the actual finder, and not the master or employer, is entitled to the treasure.

"5. I may give the following illustration of the agreement referred to in the above section, and the implied contract between principal and agent. Dr. Schliemann entered into certain arrangements and agreements with the Government of the Sultán of Turkey and the owners of the ground, acquiring a right to excavate the ancient mounds on the plain of Troy to search for the ruins of the Ilium of Homer, a search which would no doubt involve the discovery of buried treasure of great value. He employed a great number of operatives and supervisors to excavate so many square feet of ground a day on fixed wages. Whatever hidden treasure was found became the property of Dr. Schliemann, subject to the terms of his agreement with the Sultán and the owners of the ground, the operatives having no share whatever in the same. These are the principles of law which in such case may be found to be observed all the world over.

"6. The object of passing the Indian Treasure Trove Act was not to interfere with any such fixed principles of law hitherto governing such cases, but to insure a proper, regular investigation of the ownership of found treasure before declaring it to be ownerless and to vest in the finder. The meaning of 'finder' was left to be determined by the tribunals, and it would have been inconvenient to have narrowed the signification of the term by defining it.

"7. Lastly, there is the question whether a servant or labourer, not being a finder entitled to treasure found by him in fulfilling his contract of service as against his master or employer, can be deemed to be 'finder' for the purposes of section 20 of the Act, that is to say, for the purpose of being punished if he fails to give notice of the treasure to the Collector as required by section 4 of the Act.

"8. With regard to this question, I think that if a servant or workman hands over treasure he has found in performing the work contracted for to his master, it becomes the duty of the latter to give the requisite notice to the authorities. If, however, the servant or workman should conceal the fact of the discovery from his employer and carry away the treasure for his own use, he would no doubt be properly convicted and punished as a 'finder' who had failed to give the notice required by section 4, but still more properly would he be convicted of criminal mis-appropriation of property. As the term 'finder' is a wide one and undefined, it would be difficult to hold that such a person was not a finder liable to the prescribed penalties; and such a result would not involve the forfeiture of the treasure to Her Majesty, because the person so convicted never had any right or title therein, as against his principal, which could be thus forfeited." (G. R. No. 3747 of 20th September 1882, G. D.).

Collector to proceed under Section 5 even if finder gives no notice.

Memo. from the L. R.:—"Looking to section 20 of the Treasure Trove Act, which enacts that 'if the finder of any treasure fails to give notice * * * * * * , the share of such treasure, or the money in lieu thereof to which he would otherwise be entitled, shall vest in Her Majesty,' I am of opinion that it is intended that the Collector shall take proceedings under section 5 and the following sections, even when the finder gives no notice. Otherwise, the share of the treasure to which the finder would be entitled could not be ascertained. It cannot have been intended by the Legislature that a finder of treasure should have it in his power to frustrate the object of the Act by neglecting to give notice to the Collector of his having found such treasure. The words 'on receiving a notice under section 4,' which occur at the beginning of section 5 of the Act, should, therefore, I think, be taken to refer only to those cases in which a notice is given." (G. R. No. 4332 of 16th December 1886, G. D.).

Treasure found buried in a private house.

Memo. of the L. R. :—Looking to the definition of Treasure in Act VI of 1878 it appears to me that the property now in the hands of the authorities which was found by digging in the house of Shivsangapa, deceased, is treasure trove and must be dealt with under the provisions of the Act.

2. The inconvenience of holding the Act applicable to money found buried in private houses is real, but the wording of the law is so comprehensive that I do not see how such money can be excluded from its provisions. Searches by the authorities in private houses would not usually take place, as they could not be conducted without the consent of the persons in possession. In the present case such consent appears to have been given.

3. Basana and Takava may be liable to the penalties provided by section 20, but it is not necessary for Government to enforce them or to direct a prosecution if it does not think proper to do so.

4. As the deceased left heirs who were in possession of his house when he died, Regulation VIII of 1827 does not seem to apply and Chapter XLIII of the Criminal Procedure Code seems equally inapplicable. (G. R. No. 282 of 25th January 1882, G. D.).

Procedure when finder fails to give notice and converts the Treasure.

Memo. of the Acting L. R. :—1. One Bhana Hira found treasure and instead of giving notice and depositing the treasure in the Government Treasury or giving security for its production as required by section 4 of the Act, he appropriated it to his own use and brought with it ornaments worth Rs. 80-4-0 and a house worth Rs. 210.

2. On procedure duly taken under the Act the treasure was declared ownerless and the owner of the place where it was found was awarded one-fourth thereof. The balance was declared forfeited to Government.

3. The Commissioner raises the question whether the order of forfeiture applies to the house and ornaments purchased by the finder with the treasure or its proceeds.

4. The Act makes no provision as to the way in which treasure trove is to be recovered if appropriated by the finder.

"It only provides that the finder's share or the money in lieu thereof shall vest in Her Majesty and that the finder shall be liable to certain penalties.

"The remedy therefore appears to be left to the ordinary law.

5. It is to be noted that under section 20 the finder's share is not forfeited to Government by the order of the Magistrate, but vests in Her Majesty on the finder's default on giving notice.

"The property vested therefore before, and irrespective of, the Magisterial order which therefore cannot affect in any way the right of Government.

6. The treasure having vested in Government on such failure to give notice, the finder became civilly liable for the conversions as soon as he applied the treasure to his own use.

"But as the Act provides no procedure for recovery from the finder, it seems that if the Magistrate has omitted to make an order as to the ornaments under section 517, Criminal Procedure Code (*vide* Explanation to that section) the only course open would be a civil suit against the finder for the conversion.

7. If the finder has not been proceeded against before a Magistrate, I think that he should be, and it is probable in such case if the ornaments are produced, and it is proved that they are the property for which the treasure has been converted or exchanged, a portion at least of the finder's share will be recovered by the Magistrate's order in the case (517, Criminal Procedure Code, Explanation).

8. In the absence of judicial decision Government cannot claim any specific part of the finder's property as acquired by conversion or exchange of the treasure.

"The whole of the finder's property however will of course be liable whether for the fine that may be imposed under section 20 or civilly for the value of the treasure converted by him." (G. R. No. 3722 of 20th October 1888, G. D.)

THE MUNICIPAL TAXATION ACT, 1881.

(Notn. No. 4041, *B.G.G.*, 1881, pp. 757-758.)

In exercise of the powers conferred by section 3 of Act XI. of 1881 (The Municipal Taxation Act, 1881), the Governor General in Council is pleased to prohibit the levy by any Municipal Committee upon the persons described below of taxes of the following kinds:—

Persons exempted.

All persons exclusively in military employ, or belonging to any department directly attached to the Army or to the Public Works Department, Military Branch, being persons subject to the Army Discipline and Regulation Act, 1879, or the Indian Articles of War, and compelled by the exigencies of military duty to reside within the limits of a Municipality.

Taxes from the operation of which exemption is granted.

(1) Municipal taxes on salaries.

(2) Municipal taxes on professions, trades, callings, officers or appointments.

(3) Municipal taxes on horses,* mules, or ponies kept for military duty.

(4) Municipal tolls leviable on any ferry or road in respect of animals or vehicles kept or used for military duty.

In exercise of the power conferred by section 24 of Act III. of 1880 (The Cantonments Act, 1880), the Governor General in Council is pleased to declare that in any Cantonment situated in British India which may have been, or may in future be, brought under the operation of a Municipal Act, the following classes of persons shall, when on duty in such cantonment, be exempted from the operation of taxes of the following kinds:—

Persons exempted.

All persons exclusively in military employ or belonging to any department directly attached to the Army or to the Public Works Department, Military Branch, being persons subject to the Army Discipline and Regulation Act, 1879, or the Indian Articles of War.

Taxes from the operation of which exemption is granted.

(1) Municipal taxes on salaries.

(2) Municipal taxes on professions, trades, callings, offices or appointments.

(3) Municipal taxes on horses,* mules, or ponies kept for military duty.

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* G. R. No. 35, 7th January 1884, General Department, Circulating letter from Government of India, Home Department, (Municipal) No. 182, 22nd December 1883.

The exemption extends to the number of horses for which an officer draws horse allowance, or for which horse allowance is included in his pay.

(4) Municipal tolls leviable on any ferry or road in respect of animals or vehicles kept or used for military duty.

1. In further exercise of the power conferred by the same section, the Governor General in Council is pleased to prohibit the levy, in any cantonment in British India, of any municipal tax whatsoever on public property, such as animals or vehicles.

2. In this order the expressions "municipal tax," "municipal taxes," and "municipal tolls," include any tax or toll imposed by virtue of the provisions of a Municipal Act under the operation of which any cantonment may have been, or may in future be, brought.

If the officer goes on leave keeping up his horses, the exemption does not cease to have effect. Provided an officer maintains his establishment of horses, their disposal during his absence is a matter of private arrangements with which the authorities should not interfere.

Generally speaking, an officer not employed on military duty is not entitled to exemption, but a specific reference should be made regarding any class of officer in respect of which a doubt exists as to the application of the rule. (G. R. No. 35 of 7th January, 1884, G. D.)

[PAGE 529.]

To be pasted in the margin of Rule 1 :—

[Notn. No. 3383, *B. G. G.*, 1891, Pt. I, p. 793-798.]

REVISED RULES FOR REGULATING THE BESTOWAL AND CONTINUANCE OF GOVERNMENT GRANTS-IN-AID TO CHARITABLE DISPENSARIES AND THE ADMINISTRATION OF DISPENSARIES TO WHICH SUCH GRANTS ARE MADE.

Conditions on which Government aid will be granted.

1. Government will sanction the establishment and aid in the maintenance of a charitable dispensary only when a municipality or a district local board or some private individual undertakes to provide for the establishment or maintenance or for the establishment and maintenance of such dispensary (as the case may be), subject to the provisions of these rules.

2. The previous sanction of Government shall be necessary to the establishment of any new dispensary for which it is intended to ask any of the benefits of these rules.

Establishment of new Dispensaries.

3. Applications for such sanction shall be made to Government either through the Surgeon-General with the Government of Bombay or through the Collector of the district. In the latter case the Collector shall forward the application to Government through the Surgeon-General.

4. In forwarding any such application to Government the Surgeon-General shall report whether, in his opinion, the application should be sanctioned, and whether there is a Hospital Assistant or Assistant Surgeon (according as the importance of the place where it is proposed to establish the dispensary may seem to require) available whose services may be lent for employment at such dispensary.

5. Every such application shall be forwarded to Government through the Sanitary Commissioner who shall report upon it.

There will be three standard plans for dispensaries and the application should state which one of the three standards it is desired to construct.

The standard plans are classed A., B. and C., and the requirements for each will be as follows:—

Class A.

Main building with verandah on one side, containing—

1. A dispensary-room.
2. A prescribing-room.
3. A store-room.
4. Medical officer's quarters consisting of—
   - A room 16′ × 12′.
   - A bath-room.
   - A zenana compound.

Detached buildings.

5. Latrine, one.
6. Dead-house.
7. Temporary shed for servants.

Class B.

Main building with verandah, containing—

1. A waiting-room.
2. A surgery and dispensary-room.
3. A male ward for 4 beds.
4. A female ward for 1 bed.
5. An examination-room.
6. A store-room.
7. Medical officer's quarters consisting of—
   - A bed-room.
   - A living-room.
   - A bath-room.
   - A cook-room.

Detached buildings.

8. Latrines, three.
9. Dead-house.
10. Quarters for servants including cooking place.
11. Bathing plinth.

Class C.

Main building with verandah all round, containing—

1. A surgery and dispensary-room.
2. An examination-room.
3. A store-room.
4. A male ward for 4 beds.
5. A female ward for 4 beds.

Detached buildings.

6. Medical officer's quarters with verandah on two sides, consisting of—
   A sitting-room.
   A bed-room.
   A cook-room.
   A bath-room.
   Privy.
7. Dead-house.
8. Bathing plinth.
9. Cooking shed for patients.
10. Latrines, three.
11. Servants' quarters with cooking places, three.
12. *Halálcore's* quarters, one.

In Sind the male ward in Class C. will consist of 6 beds and the female ward of 2 beds.

6. No such application will be sanctioned by Government unless Government are satisfied that the dispensary building will be adequately furnished.

The minimum supply of furniture that will be considered requisite will be as follows, except that cots will not be required in dispensaries of the A. Standard and only 5 cots in the B. Standard:—

2 presses for medicines,
2 tables for compounding, writing, &c.,
1 table for operations,
8 cots,
6 benches,
6 chairs,
2 lamps,
1 table and 1 bucket for dead-house,

Shelves, fittings, water and cooking vessels in reasonable number.

Supply of Surgical Instruments, &c.

7. If Government sanction any such application, the first supply of all needful surgical and other instruments will be issued gratuitously from the Government Medical Stores.

The list of surgical instruments, &c., given in the appendix comprises the fullest supply which will be allowed to any dispensary.

It will in every case be in the discretion of the Surgeon-General with the Government of Bombay to modify the list so as to prevent needless expenditure.

Supply of Medicines.

8. Every charitable dispensary supplied under the sanction of Government with medicines from the public stores will be charged for the same at the rate of ten per cent. over their cost price.

Annual Grants-in-aid.

9. When Government sanction an annual grant-in-aid for the maintenance of a dispensary, the amount to be paid shall not ordinarily exceed one-half the total cost of the maintenance of the dispensary as estimated by the Surgeon-General with the Government of Bombay, and shall, as a rule, be regulated according to the population of the place in which the dispensary is to be maintained. The grant-in-aid must be drawn in the year it is due.

The Surgeon-General's estimate of the cost of maintaining a dispensary shall include the pay and allowances of an Assistant Surgeon of the third class if the charge is to be held by an Assistant Surgeon, and of a Hospital Assistant of the highest class if to be held by a Hospital Assistant.

10. The amount of the Government annual grant-in-aid to any dispensary shall be subject to revision by Government once every three years. The grant-in-aid may, if Government think fit, be at any time discontinued. Its continuance shall at all times be conditional on:

(*a*) the maintenance of the dispensary building and its furniture by the district local board, municipality or individual responsible therefor in good condition and repair, to the satisfaction of the Surgeon-General with the Government of Bombay;

(*b*) the opinion of Government as to the need for continuing to maintain the dispensary in the locality in which it is situated;

[To be substituted for the first sentence of Rule 16 of the Revised Rules for regulating bestowal and continuance of Government grants-in-aid to charitable dispensaries, &c., page 531 of the Compilation of Rules in force in the Revenue Department.]

16. The Dispensary Committee shall inspect all registers supplied to the Medical officer charge of the dispensary by the Surgeon-General except the registers of out an in-patients. y shall see that such registers are regularly and carefully written up, that the returns regularly sent, that the dispensary hours are strictly observed, and that patients are not lected. The registers of in and out-patients will be inspected by the Collector, the istant or Deputy Collectors, the Mámlatdár, and the inspecting Medical officers.

[Notification No. 6825, *Bombay Government Gazette*, 1897, Part I, page 1976.]

(*c*) the due observance, in or in respect of the dispensary, of the provisions hereinafter contained, or of any other similar provisions that may hereafter from time to time be prescribed by Government.

Administration of Government-aided Dispensaries.

11. Every dispensary at present in receipt of an annual grant-in-aid from Government situated in any area subject to the authority of a district local board shall, on and from the date of the first establishment of such district local board, be transferred to the management, control and administration of the said board, whose duty it will be, under sections 30 (*b*) and 49 (*b*) of the Bombay Local Boards Act, 1884, to maintain the same.

12. Every dispensary in receipt of an annual grant-in-aid from Government situated in any Municipal district in which the Bombay District Municipal Acts, 1873 and 1884, are in force shall be under the management, control and administration of the said municipality, whose duty it will be to maintain the same. *Vide* section 24, clause (13) of B. III of 1873, as amended by section 49, clause (*c*) of B. II of 1884.

The amount of the grant-in-aid paid by Government in respect of any dispensary such as is referred to in the above Rule or in Rule 11, or of any new dispensary that may be hereafter established by a district local board, or in a municipal district by the municipality of such district, shall be credited to a separate fund belonging to each such dispensary to be called the dispensary fund.

13. Nothing in the last three rules shall apply to any dispensary endowed or partly maintained by a private individual, which Government have agreed or may hereafter agree to aid on specific terms. In every such case the terms so agreed upon will be strictly adhered to.

14. When a dispensary under the management of a municipality is partly supported by the district local board or *vice versâ*, the amounts of the respective contributions of the two bodies towards the maintenance thereof shall from time to time be determined by the municipality and the district local board in consultation or by a joint committee of the two bodies.

Appointment and Duties of Dispensary Committees.

15. The affairs of every dispensary for which Government give a grant-in-aid shall be supervised by a Dispensary Committee appointed by the district local board or municipality to whose management such dispensary is subject, or, in the case of any dispensary not subject to the management of a district local board or of a municipality, by Government or by such officer as Government empower in this behalf.

16. The Dispensary Committee shall see that the registers supplied to the Medical Officer in charge of the dispensary by the Surgeon-General are regularly and carefully written up, that the returns are regularly sent, that the dispensary hours are strictly observed, and that patients are not neglected. Such Committee shall maintain a direct general supervision over the conduct of the dispensary, reporting any neglect of duty, inefficiency or misconduct on the part of the Medical Officer to the Collector, who will, if he thinks it necessary, submit the case for orders to higher authority. They shall keep, or cause to be kept, an account of the receipts and disbursements of the dispensary in such form as may be from time to time prescribed for all Government-aided dispensaries by the Surgeon-General.

For the purposes of this rule the Committee shall depute two of their number to visit and inspect the dispensary at least once in each month. The inspection of medicines and surgical instruments forms no part of the duties of the members of the Dispensary Committee.

17. The appointment, suspension and dismissal of all dispensary servants except members of the Medical Department, who are under the control of their departmental superiors, shall rest with the Committee, but no increase of the establishment will be permitted without the previous sanction of the Surgeon-General.

The appointment of a compounder proposed by a Dispensary Committee should be subject to the approval of a competent medical authority, who should be the Civil Surgeon of the district or the Inspecting Medical Officer, who in distant dispensaries is the Deputy Sanitary Commissioner.

18. Casual leave to Medical Officers or Subordiantes in charge of dispensaries should not be granted without the consent of either the Surgeon-General at the Presidency or the Deputy Surgeon-General in Sind. In cases of extreme urgency such leave may be granted by the Collector of the district or the President of the Dispensary Committee, the Surgeon-General, or in Sind the Deputy Surgeon-General and the Civil Surgeon of the district being informed of the fact.

19. All payments due to Government servants lent to dispensaries shall be made at the same rates and with the same regularity and punctuality as if the servants were in Government employ:

Provided that if an Assistant Surgeon of the first or second class is appointed to any dispensary, the difference between his pay and allowances and those of a third class Assistant will be borne by Government.

All pay abstracts of Government servants shall be forwarded to the Surgeon-General for countersignature before being paid, or in Sind to the Deputy Surgeon-General.

20. Whenever the surplus balance with any Dispensary Committee appointed by Government or by some officer of Government empowered in this behalf exceeds Rs. 500 and there is no immediate prospect of its being required for current expenses, it should not be allowed to lie idle but should at once be invested in Government paper.

21. Every Dispensary Committee shall render to the Collector:

(*a*) quarterly reports of their visits in accordance with Rule 16;

(*b*) annual accounts, as soon as possible after the 31st March annually, giving a complete abstract of receipts and disbursements during the year, the balance at the Committee's disposal, and other detailed particulars prepared and signed by the Medical Officer in charge of the dispensary on and according to a printed form to be obtained direct from the Superintendent, Government Central Press, on an indent accompanied by a remittance.

It shall be the duty of the Collector to call for these reports and accounts if they are not furnished punctually, and if he discovers any error in any monthly or annual account forwarded to him he shall at once return such account for correction and re-submission. On receipt of monthly and annual accounts which after examination appear to the Collector to be correct, he shall countersign and forward them to the Surgeon-General with the Government of Bombay or in Sind to the Deputy Surgeon-General.

22. No expenditure should be incurred which has not been previously estimated for and sanctioned by the Surgeon-General in the regular monthly estimate, provided that a Dispensary Committee may, without the previous sanction of the Surgeon-General, purchase with the funds at its disposal warm clothing, additional medicines, and extra furniture in cases of emergency or in unforeseen circumstances rendering desirable the immediate obtaining of such articles. Any expenditure so incurred should, however, be reported without delay to the Surgeon-General.

23. No new buildings should be constructed; no additions made to existing buildings without the previous sanction of Government, provided that urgent repairs to buildings and furniture, for which the necessity has suddenly arisen, may be carried out by a Dispensary Committee from the funds at its disposal without previous sanction, report being, however, furnished without delay showing the repairs effected, the urgent need for them, and the outlay incurred on them.

Correspondence how to be conducted.

24. All communications on medical matters between the Assistant Surgeon or Hospital Assistant in charge of any Government-aided dispensary and the Medical Department shall be sent to the Surgeon-General with the Government of Bombay through his Secretary, or in Sind to the Deputy Surgeon-General.

In matters affecting the expenditure and control of funds and administration of any dispensary not managed by a district local board or a municipality, the Chairman of the Dispensary Committee and the Collector or his Assistant or Deputy in charge of the táluka shall be the medium of communication. The medium of communication between the local and Municipal boards on the one hand and the Surgeon-General on the other is the President of the board concerned.

Inspection of Dispensaries.

25. Every Government-aided dispensary shall be open at any time to inspection by Deputy Sanitary Commissioners, District Revenue Officers and by the Civil Surgeon of the District.

Civil Surgeons shall visit every dispensary in their districts once a year.

The Sanitary Commissioner and Deputy Sanitary Commissioners shall inspect dispensaries while they are on their tours.

Reports by Inspecting Officers.

26. Inspecting officers shall report to the Surgeon-General with the Government of Bombay fully on the conduct and qualifications of the Assistant Surgeon or Hospital Assistant in charge of a dispensary and on the successful working or otherwise of the dispensary, adding such suggestions as they may think it advisable to offer. The reports of Civil Surgeons in the Presidency proper shall be submitted direct to the Surgeon-General with the Government of Bombay; those of Civil Surgeons in Sind shall be submitted through the Deputy Surgeon-General. Those of Deputy Sanitary Commissioners shall be submitted to the Sanitary Commissioner and shall be forwarded by that officer to the Surgeon-General. The Surgeon-General shall furnish to the Collector of the district either a copy of or such extracts from the inspection report as the latter officer may require for his annual Administration Report.

Internal management of Dispensaries and duties of Medical Officers.

27. The following rules shall be observed and enforced with regard to internal management and the duties of medical officers in every Government-aided dispensary (*viz.*)—

[PAGE 532.]

e 3 of Rule 19 add the following :—

cretary to the Surgeon-General m
on behalf of the Surgeon-General."

Gen. No. 3. G. G., Pt. I,]

The words "monthly or" and "monthly and" in lines 4 and 6 respectively of the last paragraph of Rule 21 should be omitted.

[Notn. No. 103, B. G. G., 1897, Pt. I, p. 1380.]

For the words "without the previous sanction of Government" occurring in Rule 23, substitute the following :—

"Without the previous sanction of the Commissioner of the Division concerned, or of the Commissioner in Sind, as the case may be, if dispensary funds alone are concerned, or of Government, if Provincial Funds are in any way affected."

(1). The dispensary shall, as a rule, be open from 7 to 10 A.M., and from 5 to 7 P.M., for the treatment of ordinary out-patients.

(2). The dispensary shall not be left by the officer in charge except for urgent reasons; and he shall not at any time be compelled to visit a patient at his own residence, except in urgent cases and when the patient cannot be moved, or when an epidemic is prevailing or when the patient is a Government servant entitled to his attendance at his own residence. Visits of the kind are to be strictly limited to the town or immediate neighbourhood, to places where cholera or epidemic disease prevails within the limits of a six hours' journey from and to the dispensary, and excepting when accident or serious sudden illness may occur to a Government official entitled to attendance at his residence.

(3). The Medical Officer shall abide by the following rules for regulating the cases in which and the rates at which medicines and medical attendance and advice are to be charged for:

(*a*) All persons paying Income Tax, all persons paying land revenue to the amount of Rs. 300 and upwards per annum, all persons whose income from land held by them is Rs. 500 per annum and upwards, and all servants, whether Municipal or Local Board, or servants of any firm or company, pensioners, other than military, servants of Native States, including persons of neighbouring villages of Native States, drawing Rs. 40 per mensem or upwards, who may attend dispensaries for medical advice and treatment for themselves or their household, shall pay the following charges:—

8 annas for consultation at the dispensary, and 3 annas for medicines, including an ordinary bottle of medicine and anything else prescribed.

4 annas for every succeeding consultation, and 3 annas for medicines, provided that Government servants who are entitled under the orders of the Government of India contained in their Resolution No. 14—447—64,* dated 23rd October 1884, to gratuitous medical attendance and medicines shall be exempted from payment of the fees at dispensaries where an Assistant Surgeon or a Hospital Assistant is stationed by Government.

(*b*) All persons of the classes mentioned in Rule (*a*), if attended for themselves or their household at their own houses within the limits of the town or village in which the dispensary is situated, shall pay Re. 1 for each visit of the Medical Officer in charge of the dispensary, and 3 annas for medicines. Non-paying patients will not be attended at their houses save in cases of urgent necessity. Such attendance is not to be so given or demanded as to prevent the fulfilment of other duties.

(1). If attended beyond the limits of the village or town in which the dispensary is situated they shall pay Rs. 2 for each visit, and 2 annas per mile for the distance travelled, unless a suitable conveyance is provided to and from the patient's house, and 3 annas for medicines. The Medical Officer shall not be required to travel more than 10 miles unless there is railway communication, when his fare according to the scale laid down by Government for the travelling of officers of his class shall be paid in addition to the fee and charge for medicines.

(*c*) Fees for attendance on patients away from dispensaries shall be the property of the officer in charge of the dispensary. Fees for attendance on patients at the dispensary and all charges for medicines shall be credited to the Dispensary Fund and to Government in the same proportions as the Local or Municipal Board and Government contribute to the dispensary.

(*d*) Fees for visits between sunset and sunrise shall be double the above rates and shall be the property of the Medical Officer.

(*e*) Where the Medical Officer is an Assistant Surgeon he shall be entitled to receive double the above fee.

(*f*) Fees for operations, except such minor ones as tooth-drawing, should be the subject of private arrangement between the patient and the Medical Officer.

(4). The Committee shall determine whether the dieting of in-patients shall be at the charge of the Dispensary Fund or otherwise.

(5). When there is not sufficient accommodation for all applicants for admission to the dispensary, preference shall be given to persons suffering from severe injuries or to persons who have to undergo surgical operations.

(6). Vaccination shall be carried on by dispensary officers in such dispensary towns as the Sanitary Commissioner may direct.

(7). It shall be the duty of the Assistant Surgeon or Hospital Assistant in charge of a dispensary, when there is no other medical officer at the station to make the usual *post-mortem* examination and report, according to the rules laid down in section

*Government Notification, General Department, No. 4243, dated 19th November 1884, published at page 1005 of the *Bombay Government Gazette* of the 20th idem, Part I. All clerks of Army Head-quarters offices are entitled to gratuitous medical attendance and medicines *for themselves and their families.*

XXIV., clause 43 (1—20), Medical Code, on every corpse sent to him for this purpose by any Magistrate or Police Officer, and to retain *post-mortem* notes for the information of inspecting officers and others in the form prescribed by the Surgeon-General with the Government of Bombay.

(8). Registers of sick, &c., shall be regularly kept in the usual forms.

(9). Every patient, on his name being entered on the register, shall be provided with a paper, according to Form No. 18 of the Civil Medical Department, on which the prescriptions, and, in important cases, the symptoms shall be noted at each visit; on the medicine being dispensed, the case diaries shall be retained in the dispensary, arranged, and re-issued to the applicant at the next visit.

(10). Separate monthly returns of in and out-patients in Form C. M. 29 shall be transmitted to the Surgeon-General in the Presidency and to the Deputy Surgeon-General in Sind.

(11). Annual returns and reports of the medical and surgical work of the dispensary shall be carefully drawn up and punctually submitted by the Medical Officer in charge on or before the 10th January, accompanied by the diaries of six of the most important cases which have occurred during the year among the in or out-patients.

(12). A list of the instruments belonging to the dispensary shall be kept for the purposes of inspection and verification, and shall be corrected or renewed from time to time under the signature of the inspecting officer.

Instruments and Medicines.

28. The instruments provided gratuitously by Government on the first establishment of a Dispensary cannot be returned into store in exchange for others, nor can any instruments be afterwards obtained from the Government stores except upon payment. All instruments which may have been originally obtained by purchase or otherwise from the Government Medical Stores must, when no longer required, be returned to the Government Medical Stores or disposed of as the Surgeon-General may direct.

29. Repairs to instruments may be made by the Cutler to the Medical Stores, Bombay, for which purpose the instruments may be sent to Bombay. The full cost of such repairs must be met by the dispensary concerned.

30. Indents for instruments or medicines to be supplied from the Government Medical Stores must be countersigned by the President or the Vice-President of the district local board or municipality, if the dispensary is managed by a district local board or municipality, and by the Collector or his Assistant or Deputy in any other case, and submitted, through the Collector, to the Surgeon-General in the Presidency and in Sind to the Deputy Surgeon-General for sanction. After sanction, the indents will be forwarded to the Store-keeper for compliance. The Store-keeper will forward the medical stores direct to the dispensaries, and will furnish the Examiner, Medical Accounts, with a list of the stores for pricing.

31. The authority who countersigns an indent shall be careful to see that the funds at the disposal of the Committee are sufficient to meet the charge for the medical stores indented for. If there is any doubt about this and the cost of the stores is not known, the price should be ascertained before the indent is sent on.

32. The following arrangements have been made for the adjustment of the Military Department debits for medicine and medical stores supplied to charitable dispensaries :—

(1) The Military Department will debit through its account current the full value of the supply *plus* the authorized percentage for departmental charges, &c., and any expenditure that may be disbursed in the Military Department for carriage of the stores.

(2) The Collector of the district will be advised by the Accountant General of the debit and should see that the value is duly recovered and credited without delay. He should advise the Accountant General if any difficulty is experienced.

The military debits will be held in the books of the Accountant General's office to the debit of "Advances Recoverable," and the credits at the treasury should be classed under the same head in a special column subordinate to "Miscellaneous Advances" headed "Medical Supplies from Military Departments"; the number and date of Accountant General's office advice should be noted against each credit in the receipt schedule referred to in paragraph 2 of Consolidated Circular I.

The Medical Stores Department will, as far as possible, avoid making payments for railway and other forwarding charges for medical stores; these, when the stores are sent "to pay" (or bearing), should be disbursed by the officer to whom they are consigned, who, in the case of charges to be borne by Government, should include them in his "Medical Contingent Bill" as final charges, whether they belong to his district or not; but when they are recoverable from a charitable dispensary and it is necessary to pay the charges direct from the treasury, the

[PAGE 533.(*a*).]

[Notn. No. 4003, *B. G. G.*, 1891, Pt. I, p. 922.]

In the penultimate line of Rule 30 *for* the word "Medical" should be substituted the word "Commissariat."

(To be substituted for the Rules for the Guidance of Judging Committees of District Horse Shows, published at page 534 of the Compilation of General Rules in force in the Revenue Department.)

RULES FOR THE GUIDANCE OF JUDGING COMMITTEES AT HORSE SHOWS AND PROSPECTUS OF PRIZES TO BE AWARDED AT SUCH SHOWS IN THE DISTRICTS OF THE PRESIDENCY PROPER, EXCEPT THE DISTRICTS OF AHMEDNAGAR AND POONA.

(Notn. No. 7161, *B. G. G.*, 1904, Pt I, p. 1254-55

Prospectus of prizes to be awarded at District Horse Shows.

Class I—Brood mares ... Mares 3 years old and upwards, served by Government or District Board stallions, within the last 12 months—(*vide* Rule II).

Class II—Fillies ... Fillies not in foal, under 3 years of age.

Class III—Remounts ... Stock of any age *purchased* at the Show for Government, Army and Police purposes. Prizes to be awarded to *sellers* of stock, being other than dealers—(*vide* Rule XIV):—

(*a*)—For Army.

(*b*)—For Police.

Class IV—Foals ... Foals by Government or District Board stallions (*vide* Rule XVI):—

(*a*)—Colts.

(*b*)—Fillies.

Class V—Yearlings ... Yearlings by Government or District Board stallions (*vide* Rule XVI):—

(*a*)—Colts.

(*b*)—Fillies.

Class VI—Young Stock . Two years old stock by Government or District Board stallions (*vide* Rule XVI):—

(*a*)—Colts.

(*b*)—Fillies.

Class VII—Geldings ... Geldings up to 5 years old (*vide* Rules IV and XIII).

Class VIII—Mules ... Mules up to 2 years old.

Mules from 2 to 5 years old.

Pony mares served by Government or District Board stallions within the last 12 months.

Class IX—Donkeys ... Donkey stallions under 4 years old.

Donkey mares fit for breeding purposes.

Rules for the guidance of Judging Committees of District Horse Shows.

I—Only *bonâ fide* horse breeders of the districts named will be allowed to compete for the above prizes. The Judging Committee will decide as to the eligibility of competitors.

II—Mares proved to be barren, *i.e.*, mares that have not held to Government or District Board stallions for the last two years, will not be eligible to compete.

III—No mares or stock will be allowed to compete as "served by Government or District Board stallions" or got "by Government or District Board stallions," unless a certificate to that effect is produced by the exhibitor. These certificates are obtainable from officers in charge of stallions.

IV—Geldings (Class VII), if by Government or District Board stallions, may also compete in "Class V—Yearlings (Colts)" and in "Class III—Remounts," if purchased at the Show for Government, Army or Police purposes.

V—Intending exhibitors should, on arrival at the Show, apply to the Secretary of the Judging Committee for a ticket or tickets, as the case may be, stating the class in which they propose to compete.

N.B.—A Silver Medal will be awarded to the best brood mare or filly at the Show (*vide* Rule XVII.)

VI—Each ticket will be worn by the animal as a token of the right to compete.

VII—When the tickets are given, the Secretary will name the date, hour and place at the Show, when and where horses should be brought for examination. A shamiana, or large tent, or shed, to afford shade to the Committee, within a temporary rail enclosure, should be erected to allow of the Members to carefully examine the stock. The public should not be permitted to enter the enclosure during the Committee's proceedings.

VIII—Prizes will be awarded on the day appointed by the President of the Judging Committee.

IX—A certificate (Parwána) will be given to each winner, who receives a money prize exceeding Rs. 10 (ten).

X—The Deputy Commissioner or Collector of the district will be *ex-officio* President of the Judging Committee and will arrange locally, to obtain the services of officers attending the Show, to serve on the Committee. The Superintendent, Civil Veterinary Department, will act as one of the Judges.

XI—Prizes in any class can be withheld if the animals are not of sufficient merit. It is not the desire of Government to withhold any part of the total sum granted for a Show, and Judging Committees should exercise their discretion when withholding money from one class to award it to another in which they consider the animals are of sufficient merit. Similarly, it is within their power to reduce the value of the bigger prizes and to add smaller ones in classes where the numbers competing are large.

XII—The system of judging the animals competing is left to the discretion of the Committee; but practical soundness in a horse shall, however, be the *sine quâ non* for taking a prize, and should not merely count equally with other points of merit. Should any brood mares or fillies be affected with any unsoundness which may be considered hereditary, they will be debarred from the receipt of any prizes.

XIII—To enable a horse to become eligible to compete in the "Gelding" class, both testicles must have been excised.

XIV—In case of Remounts not being purchased for one branch of the service of the class for which prizes are offered, the prizes for that class will be added to the prizes offered for Remounts of the other branch of the service. For instance:—If no Remounts are bought for the British Service, the prizes will be added to Native Cavalry Remounts, and *vice versâ*. None but Remounts purchased from *bonâ fide* breeders will be allowed to compete in these classes. The Judging Committee to decide whether the owners of the animals competing are *bonâ fide* breeders or not.

XV—It has been found that, in districts where private Studs are maintained by comparatively rich men, several prizes in the same class are, in many cases, awarded to the same owner; and the poorer breeders do not receive so many prizes as they otherwise would; it is, therefore, ruled that each private Stud competing be restricted to only one prize in each class.

XVI—The following rule is to be observed in ageing horse and mule stock competing for prizes:—

"Foal"	...	Under 12 months old.
"Yearling"	...	12 months to under 24 months old.
"Two years old"	....	24 months to under 36 months old, and so on.

XVII—The Silver Medal will be awarded to the *best brood mare or filly* at the Show. Discretion is to be used by the Judging Committee in awarding the Medal, after consulting the Deputy Commissioner or Collector of the district, and the Superintendent, Civil Veterinary Department, only to a *bonâ fide* breeder well known to the above-mentioned officers.

N.B.—The rules and prospectus are subject to modification to suit local conditions.

No 6314 of 1904/05

Camp Banasur 7 December 1904.

Forwarded with compliments to the Divisional Forest Officer, Dharwar for insertion in the book.

for Conservator of Forests
S.C.

DIVISIONAL FOREST OFFICER
Dharwar
5/12/04
DATE
11-12-04

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

[PAGE 533 (*b*).]

[Notn. No. 2659, *B. G. G.*, 1892, Pt. I, p. 752.]

In the Appendix the words "with pestle" should be added to each of the entries "Mortar, glass" and "mortar, wedgewood" under the head of "Sundries."

For Rule 33 substitute the following :—

[Notn. No. 1674, *B.G.G.*, 1894, Pt. I, p. 405.]

"33. Assistant Surgeons when in charge of dispensaries will receive the pay of their grade and a charge allowance varying from a minimum of Rs. 20 to a maximum of Rs. 50 per mensem, increments between these limits being given upon the recommendation of the Surgeon-General with the Government of Bombay founded upon superior qualification or approved service.

"The old scale of charge allowance, viz. Rs. 150 for the First and Second Classes and Rs. 100 for the Third Class, will be continued as heretofore to Assistant Surgeons now entitled to it."

Treasury Officer should debit the amount to Advances Recoverable, Miscellaneous Advances, "Other Items," and take prompt steps to have the amount recovered and credited in his own other or an treasury, if the latter is more convenient.

Miscellaneous.

33. Assistant-Surgeons in charge of dispensaries who were studying for medical diplomas in or before September 1876 are entitled to allowances in addition to pay on the following scale:—

1st or 2nd class ...	... Rs. 150
3rd class ...	... „ 100

But Assistant Surgeons who were not studying for medical diplomas in or before September 1876 and have been subsequently appointed to the public service will receive the pay of their grade and allowance varying from a minimum of Rs. 20 to a maximum of Rs. 60 per mensem, increments between these limits being given upon the recommendation of the Surgeon-General with the Government of Bombay founded upon superior qualifi-cation or approved service. In like manner certain Hospital Assistants appointed prior to 29th March 1868, and educated in the Vernacular Class, are allowed Rs. 30 in addition to the pay of their rank so long as they remain in the 3rd class.

34. It is desirable that every Dispensary Committee should endeavour to lessen the cost of their dispensary to Government and to the local or municipal fund by obtaining donations, subscriptions or gifts towards a Dispensary Endowment Fund. The object of such a fund is to accumulate a capital sum, the interest of which only shall be used for the expenditure of the dispenary, and which, as it increases, will gradually render the dispensary independent of Government and all other aid.

APPENDIX.

LIST OF SURGICAL INSTRUMENTS, &c., SUPPLIED TO CHARITABLE DISPENSARIES BY GOVERNMENT ON THEIR FIRST ESTABLISHMENT.

Surgical Instruments.

Bougies, metallic	Set	1
Catheters, elastic, gum	„	1
Instruments, amputating, Capital Case, A.	Case	1
Do. cranium dissecting, case, large ...	„	1
Do. cupping, case, large...	„	1
Do. dressing, pocket case, large	„	1
Do. hydrocele	„	1
Do. midwifery, case, wood	„	1
Do. tooth, in case ...	„	1
Lancets, bleeding, in case	Nos.	3
Needles, exploring	Case	1
Rain-gauge *	No.	1
Spatula, elastic (whalebone) ...	„	1

Surgical and Medical Appliances.

Apparatus, urinometer	Case	1
Ligature, flax	Oz.	1
Do. silk	Drs.	8
Pumps, stomach, Reid's	Cases	2
Splints, angular, arm	Sets	2
Do. Cline's, wood	Set	1
Do. common	Sets	2
Do. do. long, Dessault's ...	No.	1
Do. Liston's, inclined... ...	„	1
Do. do. plain	„	1
Do. zinc, perforated, ...	„	1
Stethoscope	„	1
Syringe, dressing, brass, with finger pieces of 8 ozs. ...	„	1
Syringe, ear, brass	No.	1
Do. glass, for hydrocele ...	„	1
Do. pewter, 1 lb. and 4 ozs. size	„	1
Do. do. urethra, male ...	Nos.	2
Do. do. vaginal... ...	No.	1
Trusses, common, double and single...	Nos.	2

Sundries.

Basin, pus	No.	1
Bed-pan, pewter	„	1
Funnel, composition	„	1
Measure, glass, 8 ozs.	„	1
Do. do. 4 ozs.	„	1
Measure, glass, minim	Nos.	2
Do. pewter, 8 ozs.	No.	1
Do. do. 2 ozs.	„	1
Mortar, glass	„	1
Do. wedgewood	„	1
Pan, bed, earthenware, round ...	„	1
Pasteboard for splints	Sheet	1
Pestle and mortar, brass	No.	1
Pots, decoction, tin	Nos.	2
Do. infusion do.	„	2
Scales and Weights, from 2 lbs. downwards...	Set	1
Do. do. grains and drachms, pillar...	„	1
Scissors, shop	No.	1
Slab, wedgewood	„	1
Spatula, bolus	Nos.	2
Do. spreading	No.	1
Thermometer, common, bath ...	„	1
Urinal, pewter	„	1

* To be obtained from the Director of Land Records and Agriculture, Bombay.

RULES FOR THE GUIDANCE OF JUDGING COMMITTEES OF DISTRICT HORSE SHOWS.*

(Notn. No. 1035, *B. G. G.*, 1882, Pt. I., p. 109.)

1. Only *bonâ fide* horse-breeders will be allowed to compete for prizes. The Judging Committee will decide as to the eligibility of competitors.

2. A mare of 4 years of age in foal or with foal at foot, the result of having been covered before 4 years of age, will not be eligible to compete.

3. No mares or stock will be allowod to compete as "served by Government stallions," or "got by Government stallions," unless a certificate to that effect is produced by the exhibitor. These certificates are obtainable from officers in charge of stallions.

4. Intending exhibitors should, on arrival at the show, apply to the Secretary of the Judging Committee for a ticket or tickets, as the case may be, stating the class in which they propose to compete.

5. Each ticket will be worn by the animal as a token of the right to compete.

6. When the tickets are given, the Secretary will name the date, hour and place at the Show, when and where the horses should be brought for examination. A shamiana (or large tent) or shed, to afford shade to the Committee, within a temporary railed enclosure, should be erected to allow of the members to carefully examine the stock. The public should not be permitted to enter the enclosure during the Committee's proceedings.

7. Prizes will be awarded on the day appointed by the President for the Judging Committee.

8. A certificate (parvâna) will be given to each winner whether he takes his prizes in money, khillat, or medal, as he may think best.

9. Discretion is to be used by the Judging Committee in awarding only a portion of prizes to any class, if the stock of that class be not considered worthy of all prizes noted and the money not awarded may be devoted to the giving of extra prizes in other classes deemed by the Judging Committee as worthy of them, as it is the desire of Government to award the total sum granted, provided *any* of the classes of stock competing are in *any way* worthy of it.

10. The system of marks will be adopted as follows :—

Soundness	25
Power	25
Quality	25
Produce (if any)	25
Total ...	100
If no produce, the total will be	75

All other stock :—

Soundness	25
Power	25
Quality	25
Action	25
Total...	100

Marks for action have not been accorded to mares, as some competing may be too heavy in foal to allow of their action being shown. The Judging Committees are requested to be good enough to attach a return to their reports showing the number of the several marks alloted to winners of prizes.

NOTE.—On future occasions, prizes for geldings will be increased in number and value, and those for colts not castrated will be proportionately decreased. To enable a horse to become eligible to compete in the gelding class *both testicles must have been excised.*

2. The prizes alloted to the class geldings are to be invariably awarded to the best competing irrespective of their worth in other respects. Prizes in this class to be awarded only to stock that have been castrated when in possession of their present owners, *bonâ fide* horse-breeders, and provided the Judging Committee are satisfied the animals have been castrated with a view of competing for the prizes.

* These Rules are applicable to all District Horse Shows except to the "fancy classes" of the Poona Horse Show.

(To be pasted in the margin of Rule VII of the Rules for the guidance of Judging Committees of District Horse Shows, at page 234 of the Compilation of General Rules in force in the Revenue Department).

For Rule VII substitute the following :—

(Govt. Notn. No. 6510, *B. G. G.*, 1901, Pt. I., p. 1805.)

"VII. A certificate (Parwána) will be given only to those who receive a money prize exceeding Rs. 10 (ten)."

(To be substituted for the Rules for the Guidance of Judging Committees of District Horse Shows, published at page 534 of the Compilation of General Rules in force in the Revenue Department.)

(Notn. No. 2167, *B. G. G.*, 1897, Pt. I, p. 538-539.)

I. The Deputy Commissioner or the Collector of the district shall be *ex-officio* President of the Horse Show Committee and will make all detailed arrangements for the management of the show. The Superintendent, Civil Veterinary Department, Bombay Presidency, if present, shall be a Judge. The remaining Judges to be appointed by the President.

II. Only *bonâ fide* horse-breeders will be allowed to compete for prizes. The Judging Committee will decide as to the eligibility of competitors.

NOTE.—In Sind the Horse Show is open to all comers, (*a*) Northern horses brought by dealers may only compete in classes "Fit for remounts" and "Ponies," and in class "Remounts purchased at the Show," if purchased by Government officers; (*b*) Exhibits by officers in Government service shall only receive certificates if awarded prizes. These certificates shall be additional to the ordinary prizes provided.

III. No mare or stock will be allowed to compete as "Served by Government stallions" or "Got by Government stallions" unless a certificate to that effect is produced by the exhibitor. These certificates are obtainable from officers in charge of stallions.

N.B.—This rule need not be enforced in Sind (Government Resolution No. 941 of 31st January 1896).

IV. Exhibits will be classed and tickets given by the Classification Committee, due intimation of time and place being given to all concerned.

V. Once classed the ticket must be kept round the animal's neck until after it has been judged. No animal will be judged that has not a class ticket.

VI. Prize winners will receive rosettes from the Judges, which must not be removed from the head stalls until the prizes have been given. Rosettes shall be coloured—

Blue for the first prize.
Red „ second „
White „ third „
Green for highly commended.
Yellow „ commended.

VII. A certificate (Parwána) will be given to each winner whether he takes his prize in money, khillut, or medal as he may think best.

VIII. No exhibit will receive a prize in more than one class.

N.B.—This rule does not apply to class "Stock purchased for the nursery" and class "Remounts purchased at the Show." Purchased at the Show applies only to animals classed by the Committee and subsequently bought.

IX. An animal is not a "gelding" unless both testicles have been excised.

X. Prizes for geldings are invariably to be given to the best animals competing.

XI. Entries for classes "Stock purchased at the Show" and "Remounts purchased at the Show" to be made *after* the entry has passed the Judges in its original class and by the purchaser.

XII. Unbranded mares winning prizes to be branded.

XIII. Horse and mule stock to be aged as follows:—

Foal at foot: under 6 months old;
Foal: over 6 and under 12 months;
Yearling: over 12 and under 24 months;
Two-year-old: over 24 and under 36 months, and so on.

XIV. The Judging Committee will exercise its discretion in reducing or withholding prizes, if an exhibit in a class be not considered worthy of the prizes noted, or in granting extra prizes, if funds are available from savings in other classes. But the total sum available must on no account be exceeded.

XV. The system of judging animals competing is left to the discretion of the Committee, but practical soundness in a horse shall, however, be the *sine qua non* for taking a prize and should not merely count equally with other points of merit. Should any branded mare or fillies be affected with any unsoundness which may be considered hereditary, they will be debarred from the receipt of any prizes.